

THE OHIO STATE UNIVERSITY
OFFICIAL PROCEEDINGS OF THE
ONE THOUSAND TWO HUNDRED AND NINETY-EIGHTH MEETING
OF THE BOARD OF TRUSTEES

Columbus, Ohio, December 3, 1993

The Board of Trustees met at its regular monthly meeting on Friday, December 3, 1993, at The Ohio State University Fawcett Center for Tomorrow, Columbus, Ohio, pursuant to adjournment.

**

**

**

Minutes of the last meeting were approved.

**

**

**

December 3, 1993 meeting, Board of Trustees

The Chairman, Ms. Casto, called the meeting of the Board of Trustees to order on December 3, 1993, at 11:10 a.m. She requested the Secretary to call the roll.

Present: Deborah E. Casto, Chairman, Milton A. Wolf, Leslie H. Wexner, Alex Shumate, Theodore S. Celeste, Michael F. Colley, George A. Skestos, David L. Brennan, Hiawatha N. Francisco, Jr., and Amira N. Ailabouni.

--0--

PRESIDENT'S REPORT

President Gee:

Welcome everyone, we are delighted to have you here today. I think at least that it is a good morning. As many of you know, I just returned from Israel yesterday and am still trying to determine what time zone I find myself in. I was very pleased to be part of Governor Voinovich's delegation to Israel, which included representatives of fourteen Ohio businesses. Israel -- and this is an interesting statistic -- is Ohio's 12th largest foreign trading partner and, hopefully, our visit will promote more of that trading. For a country of 5.2 million people, the fact that it is our 12th largest trading partner is of some considerable significance and a few of the people in this room have been very much a part of that trading effort.

This morning I want to report to you what Ohio State is doing in Israel -- and believe me, we are doing quite a lot. Ohio State is providing significant leadership in agricultural research in Israel. The Bi-national Agricultural Research and Development Foundation (BARD) was established in 1977 to support joint research and development projects between the United States and Israel.

Ohio State has received five BARD grants with an average value of approximately \$185,000. We are now involved in seven other grant applications between ourselves and the Hebrew University, including waste recycling and composting work, and increasing potato production. Interestingly enough American imperialism has come to Israel in that the Hard Rock Cafe and McDonalds now want to do business there, but they have to have their own particular kind of potato. So potato research is becoming enormously important. Also, they're working to reduce pest problems in greenhouse-grown tomatoes, something in which we are a world leader at Ohio State. This is enormously important to Israel because they are a net exporter of vegetables to Europe on a grand scale. Ohio State also has received Bi-national Science Fund grants totalling more than \$4 million to support research in physics, life sciences, mathematics, energy, health sciences, and chemistry.

Our faculty are collaborating with colleagues at several universities in Israel in the study of such diverse subjects as polymers, welding, history, plant genetics, and mapping. For example, Professor of History Jeremy Cohen divides his teaching schedule between Ohio State and Tel-Aviv Universities. He continues his research on the ideas and images of Judaism in Medieval Christianity and is one of the world's leading scholars in this particular area.

An exchange agreement between our Department of Pediatrics and Columbus' Children's Hospital with Hadassah Medical Organization provides collaborative opportunities in pediatric research. We currently have two visiting scholars on our faculty from Israel, 23 students from the University in Israel, and Ohio State has more than 100 alumni in Israel at this moment. We have instructional strengths in Hebrew including linguistics and both ancient and modern Hebrew language and literature.

PRESIDENT'S REPORT (contd)

President Gee: (contd)

This academic year, we have offered 129 languages and 130 area studies courses related to the Middle East, with total course enrollments of over 6,000 students. The Melton Center for Judaic Studies at The Ohio State University is an important intellectual center which is the product of the vision of the late Samuel Melton. His support for the Center, and for the centers of which there are three, is leading to increased understanding among people.

My brief and yet productive visit to Israel demonstrated to all involved the impact of this great University on people around the world. The work that is done here, our graduates, and our ideas, are making a difference not only for Ohio's economy, but also for the world. A point that came home to me very vividly.

November 12 marked a historic -- and let me underline this with three strikes -- and truly important event in the life of Ohio State as we honored and celebrated the loyalty, dedication, and support of one of our most distinguished and accomplished alumni -- Max Fisher. Max Fisher's enthusiasm for Ohio State, and for his college -- the College of Business -- is long-standing. This devotion has resulted in a milestone for his alma mater as we received the largest gift ever presented to an academic unit at Ohio State. Mr. Fisher's commitment of \$20 million to the College of Business, as you well know was made on that day.

The college has embarked on an ambitious transformation -- making Ohio State a focal point for excellence in management education. One of the cornerstones of this undertaking is a new series of buildings being constructed to house the college. But we all know that true academic excellence is not measured by bricks and steel, it is what takes place inside these new buildings that will bear our true mark of distinction.

Max Fisher has received many accolades and has done much in his remarkable career. He has touched many lives, again, many of the people in this room. And I must say, just as an aside, that I was absolutely struck with what was a remarkable statement that he made when he noted that he came to Ohio State with three things, "a pair of shoes, \$150, and a Mackintosh" -- which I assume is a jacket. He said that the University meant much to him because of what it had given. For us, his gift serves as a reminder of the vision he shares with Ohio State.

Today, this Board will formally vote to recognize Max Fisher's commitment by naming the college the "Max M. Fisher College of Business." More importantly, this gift signifies the confidence that Mr. Fisher has in our faculty, this Board, this University, and our students, and in the quality of Ohio State as a leading university in this country. Max Fisher has embodied the American Dream and through his strong intellect, a willingness to work hard, and great vision he is investing in the future, believing that today's and tomorrow's graduates will take with them the commitment to make important contributions to our great nation and the world.

We are inspired and I am personally inspired by his example and by his belief in this University.

That was a memorable weekend for the University. On the occasion of the anniversary of the Wexner Center for the Arts, we held the most successful single

PRESIDENT'S REPORT (contd)

President Gee: (contd)

fund-raising event in the University's history. With a wonderful evening of entertainment honoring Betty Comden and Adolph Green, the many friends of the Wexner Center and its remarkable programs contributed over \$1.5 million to support future activities of the Center.

It is this kind of support that enables Ohio State to achieve many great things. Let me mention only a few notable achievements from this past month. I am pleased to report that eighteen graduate teaching associates recently received Teaching Leadership Awards from the Pew Charitable Trusts. The grants helped these students participate in a National Conference on the Training and Employment of Graduate Teaching Associates. By the way, today in the Student Affairs Committee meeting we had a report on Teaching Associates and I know that Hiawatha will provide us some insight into that.

Five accounting students in our College of Business recently were awarded scholarships by the National Association of Black Accountants. This organization assists minorities in the field of accounting and is committed to professional and academic excellence. Twelve scholarships were given in a six-state Midwestern region and that five of the twelve recipients were from Ohio State brings great honor to these students, the department, and the University and makes all of us very proud.

Finally, Professor of Education Gay Su Pinnell recently received the prestigious Charles A. Dana Award for Pioneering Achievement in Education. She was honored for her work as the principal U.S. proponent of Reading Recovery, an early intervention reading program that enables low-achieving students to be "recovered" as readers in just months. She shared the \$50,000 award with Marie Clay of New Zealand who founded Reading Recovery.

Our faculty and students continue to bring recognition to Ohio State. Likewise, we all value and recognize the support that Ohio State enjoys from its graduates and friends around the world, no more so than in this particularly important time in the life of this institution. Madam Chair, that is my report.

Ms. Casto:

Mr. President, that was an excellent report.

--0--

Ms. Casto:

At this time I need a motion that the Board recess into Executive Session in accordance with Ohio Revised Code Section 121.22-(G)-(1), (3), and (5) to discuss with University Counsel a matter pertaining to the review of an employee's activities and performance.

Upon motion of Mr. Skestos, seconded by Amb. Wolf, the Board recessed into Executive Session.

President Gee:

The Board will convene in Executive Session for a few minutes in Room 103. Both Judge Duncan and I will wait here, because this involves matters in which we have involved ourselves. Our Trustees that are Hospitals Board members have to remain here, too.

Judge Duncan:

Mr. Skestos and Mr. Celeste will remain here.

--0--

Ms. Casto reconvened the meeting at 11:40 a.m.

Present: Deborah E. Casto, Chairman, Milton A. Wolf, Leslie H. Wexner, Alex Shumate, Theodore S. Celeste, Michael F. Colley, George A. Skestos, David L. Brennan, Hiawatha N. Francisco, Jr., and Amira N. Ailabouni.

--0--

RESEARCH FOUNDATION REPORT

Mr. Celeste:

Members of the Board, you will find your report for October 1993 at each of your places. The summaries of the grants and contracts received by The Ohio State University Research Foundation during the month of October can be found under Tab 1 in the report. I would like to point out that awards for the period July 1993 through October 1993 are down almost 12 percent compared to the preceding year. I spent some time going over this with Vice President Hayes and the downturn appears to be due mainly to the timing of the arrival of awards from the sponsors. We feel that it is too early in the fiscal year to discern any definite trend, but we plan to monitor this information closely over the next quarter and keep the Board posted.

At Tab 2 there is a summary of expenditures for the months of July through October for Fiscal Year 1994 and Fiscal Year 1993. Total expenditures for FY 1994 exceed FY 1993 expenditures by 7 percent. Of particular note is the increase of about 27 percent in external support for equipment. Equipment is one of the cornerstones of institutional stature in research standings. Building the infrastructure to support research is a critical factor in achieving world-class ranking.

Some new projects of special interest that were funded in the month of October are described at Tab 3. I thought you might be interested in knowing that Dr. Hamish Fraser, an Eminent Scholar from the Department of Materials Science and Engineering, who I visited sometime ago and reported to you about, has received over \$1 million from the Department of the Navy to develop, for commercial application, a new high temperature material. OSU holds the patent on this material. This project represents a real partnership between The Ohio State University and the General Electric Company.

A second project of interest is entitled *Generating Information from Scanning Ohio's Maps*. Dr. John Bossler, Director of the Center for Mapping, received over \$365,000 from the Department of the Interior, Geological Survey. This project

RESEARCH FOUNDATION REPORT (contd)

Mr. Celeste: (contd)

involves cooperation of five State of Ohio agencies and is another example of our partnership with government and industry. The product of this ambitious project will be digital line graphs of the entire state showing layers of interest in contour lines, transportation, water pathways, boundaries, and public land survey system. Digitizing will permit unlimited manipulation with computer technology.

I also want to mention to the Board that I followed up on my visit last month with Dr. Kos Ishii, again this month. As you know, he is a National Science Foundation Presidential Young Investigator and Associate Professor of Mechanical Engineering. This time he offered me some hands on experience at using the cad system that they have designed for providing training on the design process. I would suggest, again, to all the members of the Board, if you haven't had the experience to go through this process I would urge you to do so. I also learned more about how the research on life-cycle design optimization methods seeks to provide the public with maximum value at minimum cost, not only to the consumer and to the manufacturer, but also to the environment.

Tab 4 contains a list of all projects funded in October.

At Tab 5 is a copy of two news releases that describe major sponsored research awards to Ohio State. The first release describes two engineering education projects worth \$6.9 million that were funded in the first round of Technology Reinvestment (also known as Defense Conversion) Projects announced by President Clinton. The second release announces a five-year, \$2.5 million contract from the Federal Aviation Administration to study pilot decision making in the field of general aviation.

At Tab 6 are abstracted press releases issued by University Communications highlighting recent research activity.

REPORT OF RESEARCH CONTRACTS AND GRANTS

Resolution No. 94-66

Synopsis: The reports on research and other sponsored program contracts and grants and the summary for October 1993 are presented for Board acceptance.

WHEREAS monies are solicited and received on behalf of the University from governmental, industrial, and other agencies in support of research, instructional activities, and service; and

WHEREAS such monies are received through The Ohio State University Research Foundation:

NOW THEREFORE

BE IT RESOLVED, That the research agreement between The Ohio State University and The Ohio State University Research Foundation for the contracts and grants reported herein during the month of October 1993 be approved.

Upon motion of Mr. Celeste, seconded by Amb. Wolf, the Board of Trustees adopted the foregoing resolution by unanimous voice vote.

--0--

HOSPITALS BOARD REPORT

Mr. Skestos:

On November 18 the Hospitals Board's Administrative/Operations and Executive Committees met.

During the Administrative/Operations meeting, we received reports on both internal and external operations. We then received a quarterly malpractice claims report and the annual self-insurance fund actuarial report, indicating that the Hospitals' claims experience remains good and the malpractice fund remains healthy. Our actuaries reported that it is not necessary for University Hospitals to make any additional contributions. Mr. Maier reported that program planning for the Off-Site Ambulatory Care facility is on schedule, and schematic drawings will be started after the first of the year.

The Executive Committee endorsed the medical staff appointments and reappointments which were approved on October 13 and November 10 by the Medical Staff Administrative Committee. Mr. Schrock reviewed the audited 1992-1993 financial statement and preliminary October financial report, and compared a number of key financial indicators against the medians of Council of Teaching Hospitals, University Hospital Consortium, and Standard & Poor institutions. Mr. Donald Hansen, the administrative member of the Joint Commission on Accreditation of Healthcare Organizations team, visited with the Board members to explain the accreditation standards designed to ensure that our patients receive the highest quality of care in a safe and supportive environment.

At this time, I would like to recommend to the Board the approval of the amendments to the Medical Staff Bylaws.

AMENDMENTS TO THE MEDICAL STAFF BYLAWS

Resolution No. 94-67

Synopsis: Approval of amendments to the Medical Staff Bylaws is requested.

WHEREAS The Ohio State University Hospitals Board pursuant to Bylaw 3335-101-04 of the Hospitals Board Bylaws is authorized to recommend to the Board of Trustees the adoption of amendments to the Medical Staff Bylaws; and

WHEREAS the proposed amendments to the Medical Staff Bylaw were approved by the University Hospitals Board, September 30, 1993, as follows:

AMENDED BYLAWS

3335-43-02 Purpose.

The purpose of the medical staff of the Ohio state university hospitals shall be:

- (A) ~~To ensure that all patients admitted to the university hospitals shall receive the best possible care and treatment in a~~ STRIVE TO MAINTAIN EXEMPLARY STANDARDS OF PATIENT CARE FOR ALL PATIENTS ADMITTED TO UNIVERSITY HOSPITALS, CONSISTENT WITH AN ACTIVE teaching environment, realizing that the care and treatment of the individual patient is the medical responsibility of the member of the attending, courtesy, or honorary medical staff to whose care the patient is admitted or transferred.

AMENDMENTS TO THE MEDICAL STAFF BYLAWS (contd)

AMENDED BYLAWS (contd)

(B) through (D) Unchanged.

3335-43-04 Membership.

(A) Qualifications.

(1) Membership on the medical staff of the Ohio state university hospitals is a privilege extended to doctors of medicine, osteopathic medicine, dental surgery, and to practitioners of PSYCHOLOGY AND podiatry who consistently meet the qualifications, standards, and requirements set forth in the bylaws, rules and regulations of the medical staff, the university hospitals board and the board of trustees of the Ohio state university.

(2) All members of the medical staff of the Ohio state university hospitals shall be members of the faculty of the Ohio state university college of medicine, or in the case of dentists, of the Ohio state university college of dentistry, and shall, EXCEPT FOR MEMBERS OF THE LIMITED STAFF, be duly licensed to practice in the state of Ohio. MEMBERS OF THE LIMITED STAFF SHALL POSSESS A VALID TRAINING CERTIFICATE, AND SHALL COMPLY WITH PROVISIONS OF STATE LAW AND THE REGULATIONS OF THE STATE MEDICAL BOARD. Only those physicians, dentists, and practitioners of PSYCHOLOGY AND podiatry who can document their education, training, experience, competence, adherence to the ethics of their profession, dedication to educational and research-goals, and ability to work with others with sufficient adequacy to assure the university hospitals board and the board of trustees of the Ohio state university that any patient treated by them at university hospitals will be given the high quality of medical care provided at university hospitals, shall be qualified for membership on the medical staff of the Ohio state university hospitals.

ALL MEMBERS OF THE MEDICAL STAFF WILL COMPLY WITH MEDICAL STAFF AND UNIVERSITY POLICIES REGARDING EMPLOYEE AND MEDICAL STAFF HEALTH AND SAFETY; UNCOMPENSATED CARE; AND WILL COMPLY WITH APPROPRIATE ADMINISTRATIVE DIRECTIVES AND POLICIES TO AVOID DISRUPTING THOSE OPERATIONS OF THE HOSPITALS WHICH ADVERSELY IMPACT OVERALL PATIENT CARE OR WHICH ADVERSELY IMPACT THE ABILITY OF THE HOSPITALS EMPLOYEES OR STAFF TO EFFECTIVELY AND EFFICIENTLY FULFILL THEIR RESPONSIBILITIES. ALL MEMBERS OF THE MEDICAL STAFF WILL COMPLY WITH POLICIES ADOPTED BY THE MEDICAL STAFF ADMINISTRATIVE COMMITTEE, INCLUDING BUT NOT LIMITED TO POLICIES ON DISRUPTIVE BEHAVIOR AND CONFLICT OF INTEREST.

(3) Resignation, termination, or non-reappointment to the faculty of the Ohio state university shall result in immediate termination of membership on the medical staff of the Ohio state university hospitals.

(4) AN APPLICANT FOR MEMBERSHIP SHALL AT THE TIME OF APPOINTMENT OR REAPPOINTMENT, BE AND REMAIN BOARD CERTIFIED IN A MEDICAL SPECIALTY APPROVED BY THE AMERICAN MEDICAL ASSOCIATION AND AMERICAN BOARD OF MEDICAL SPECIALTIES, OR OTHER APPLICABLE CERTIFYING BOARDS FOR DOCTORS OF OSTEOPATHY, PODIATRY, PSYCHOLOGY, AND DENTISTRY. AN APPLICANT WHO IS BOARD ELIGIBLE AT THE TIME OF INITIAL APPOINTMENT OR REAPPOINTMENT SHALL HAVE

THREE

AMENDMENTS TO THE MEDICAL STAFF BYLAWS (contd)

AMENDED BYLAWS (contd)

YEARS FROM THE DATE ELIGIBILITY WAS FIRST ATTAINED TO BECOME BOARD CERTIFIED. BOARD CERTIFICATION IS A CONTINUING REQUIREMENT. WHENEVER RECERTIFICATION IS REQUIRED BY A SUB-SPECIALTY BOARD APPROVED HEREIN, APPLICANTS FOR APPOINTMENT OR REAPPOINTMENT SHALL MEET THE TERMS OF RECERTIFICATION ESTABLISHED BY THEIR RESPECTIVE SUB-SPECIALTY BOARD OR BOARDS. FAILURE TO MEET OR MAINTAIN BOARD CERTIFICATION WILL RESULT IN IMMEDIATE TERMINATION FROM THE MEDICAL STAFF. THIS REQUIREMENT MAY BE WAIVED BY ACTION OF THE MEDICAL STAFF ADMINISTRATIVE COMMITTEE, UPON THE RECOMMENDATION OF THE CREDENTIALS COMMITTEE OR THE MEDICAL DIRECTOR OF OSU HOSPITALS.

(B) Application for membership.

Initial application for medical staff membership shall be made by the applicant to the chief of the clinical department on ~~prescribed~~ forms PRESCRIBED BY THE MEDICAL STAFF ADMINISTRATIVE COMMITTEE stating the qualifications and references of the applicant and giving an account of ~~his~~ THE APPLICANT'S professional training and experience. ALL APPLICATIONS FOR APPOINTMENT MUST SPECIFY THE CLINICAL PRIVILEGES REQUESTED. Applications may be made only if the qualifications are fulfilled as outlined in paragraph (A) of this rule. ~~A supporting letter from the chief of the clinical department is necessary.~~ It shall include written statements of the applicant to abide by the bylaws, rules and regulations of the medical staff, the university hospitals board, and the board of trustees of the Ohio state university. The application shall also contain a statement acknowledging that membership on the medical staff requires participation in the peer review process of evaluating credentials, medical staff membership and clinical privileges, and that a condition for membership requires mutual covenants between all members of the medical staff to release one another from civil liability in this review process as long as the peer review is not conducted in bad faith, with malice, or without reasonable effort to ascertain the accuracy of information being disclosed or relied upon.

(C) Terms of appointment. Initial appointment to the medical staff, will be for a period extending to the end of the fiscal year (first of July through thirtieth of June). Reappointment to the medical staff shall be done on a regular basis for a period not to exceed 24 months. Initial appointments, except for the honorary and limited categories, will be provisional for six months regardless of the date of ~~his~~ THE appointment. DURING THE PERIOD OF THE PROVISIONAL APPOINTMENT ALL APPLICANTS ARE SUBJECT TO CONTINUOUS REVIEW AND RECONSIDERATION PURSUANT TO THESE MEDICAL STAFF BYLAWS.

(D) Ethics and ethical relationship. The code of ethics as adopted, or as may be amended, by the American Medical Association, ~~or~~ the American Dental Association, THE AMERICAN PSYCHOLOGICAL ASSOCIATION, AMERICAN OSTEOPATHIC ASSOCIATION AND THE AMERICAN PODIATRIC MEDICAL ASSOCIATION shall govern the professional ethical conduct of the respective members of the medical staff.

(E) Procedure for appointment.

- (1) The written and signed application for membership on the medical staff shall be presented to the chief of the clinical department. The applicant shall include in the application a signed statement indicating that if ~~he~~ THE APPLICANT should be accepted to membership on the medical staff, he OR SHE agrees to be governed by the bylaws, rules and regulations of the medical staff, the university hospitals

AMENDMENTS TO THE MEDICAL STAFF BYLAWS (contd)

AMENDED BYLAWS (contd)

board and the board of trustees of the Ohio state university. Signing the application also constitutes a consent to be interviewed in regard to the application, authorizes university hospitals to consult with members of the medical staffs of other hospitals with which the applicant has been or has attempted to be associated, and with others who may have information bearing on his THE APPLICANT'S competence, character and ethical qualifications. The applicant also consents to university hospitals' inspection of all records and documents that may be material to the evaluation of his THE APPLICANT'S professional qualifications and competence to carry out the clinical, medical and educational privileges for which he THE APPLICANT is applying SEEKING as well as his THE APPLICANT'S professional ethical qualifications for medical staff membership and further releases from any liability all representatives of university hospitals for acts performed concerning this process. The applicant has an affirmative duty to disclose any prior or current challenges to his LOSS OR RESTRICTION OF: PROFESSIONAL licensure, DEA REGISTRATION, or any loss of membership in any medical, dental, or podiatric professional organization or loss of medical staff membership or privileges at any other hospital ANY LOSS, RESTRICTION OR DENIAL OF MEDICAL STAFF MEMBERSHIP OR PRIVILEGES AT ANY OTHER HOSPITAL OR HEALTH CARE FACILITY. THE APPLICANT FURTHER AGREES TO DISCLOSE TO THE MEDICAL DIRECTOR OF THE OHIO STATE UNIVERSITY HOSPITALS THE INITIATION OF ANY PROCESS WHICH COULD LEAD TO SUCH LOSS OR RESTRICTION. ACCEPTANCE OF MEMBERSHIP ON THE MEDICAL STAFF OF THE OHIO STATE UNIVERSITY HOSPITALS AUTHORIZES THE HOSPITALS TO CONDUCT ANY APPROPRIATE HEALTH ASSESSMENT INCLUDING BUT NOT LIMITED TO DRUG OR ALCOHOL SCREENS ON A PRACTITIONER AT ANY TIME DURING THE NORMAL PURSUIT OF MEDICAL STAFF DUTIES, BASED UPON REASONABLE CAUSE AS DETERMINED BY THE CHIEF OF THE PRACTITIONER'S CLINICAL DEPARTMENT OR THE MEDICAL DIRECTOR OF THE OHIO STATE UNIVERSITY HOSPITALS OR THEIR AUTHORIZED DESIGNEE. THE PURPOSE OF THIS ASSESSMENT SHALL BE TO ENSURE THAT THE MEMBER OF THE MEDICAL STAFF IS ABLE TO FULLY PERFORM AND DISCHARGE THE CLINICAL, EDUCATIONAL, ADMINISTRATIVE AND RESEARCH RESPONSIBILITIES WHICH THE MEMBER IS PERMITTED TO EXERCISE BY REASON OF MEDICAL STAFF MEMBERSHIP. AT THE TIME OF THE INITIAL REQUEST FOR A HEALTH ASSESSMENT, AND AT ANY TIME A MEDICAL STAFF MEMBER REFUSES TO PARTICIPATE AS NEEDED IN A HEALTH ASSESSMENT, INCLUDING BUT NOT LIMITED TO A DRUG OR ALCOHOL SCREENING, THE CHIEF OF THE CLINICAL DEPARTMENT OR THE MEDICAL DIRECTOR MAY IMPOSE A SUMMARY SUSPENSION PER PARAGRAPH (D) OF RULE 3335-43-05 OF THE ADMINISTRATIVE CODE. Upon request of the medical staff administrative committee or university hospitals board, the applicant will document his OR HER physical and mental status with sufficient adequacy to demonstrate that any patient treated by the applicant will receive care of a generally professionally recognized level of quality and efficiency. The conditions of this paragraph shall be deemed continuing and may be applicable to issues of continued good standing as a member of the medical staff.

- (2) Each chief of a clinical department will be responsible for investigating and verifying the character, qualifications, and professional standing of the applicant BY MAKING INQUIRY OF THE PRIMARY SOURCE OF SUCH INFORMATION and shall submit a report of those findings and recommendations to the medical director of university hospitals who shall forward the application to the medical staff

AMENDMENTS TO THE MEDICAL STAFF BYLAWS (contd)

AMENDED BYLAWS (contd)

~~administrative committee for action. The chief of the clinical department shall be responsible to see that each applicant is reviewed and reported upon within three months~~ WITHIN SIXTY DAYS OF RECEIPT OF THE SIGNED APPLICATION, SUBMIT A REPORT OF THOSE FINDINGS ALONG WITH A RECOMMENDATION ON MEMBERSHIP AND CLINICAL PRIVILEGES TO THE MEDICAL DIRECTOR OF UNIVERSITY HOSPITALS.

THE MEDICAL DIRECTOR WILL FORWARD THE APPLICATION TO THE CREDENTIALS COMMITTEE.

THE APPLICANT SHALL HAVE THE BURDEN OF PRODUCING INFORMATION FOR AN ADEQUATE EVALUATION OF APPLICANT'S QUALIFICATIONS FOR MEMBERSHIP AND FOR THE CLINICAL PRIVILEGES REQUESTED. FAILURE OF THE APPLICANT TO COMPLETE THE PRESCRIBED FORMS OR TO PROVIDE THE INFORMATION REQUESTED WITHIN THE SIXTY-DAY PERIOD FOR APPROVAL SHALL BE GROUNDS FOR DENIAL OF THE APPLICATION.

IF A COMPLETED APPOINTMENT APPLICATION DOES NOT RECEIVE THE REPORT AND RECOMMENDATION BY THE CHIEF OF THE CLINICAL DEPARTMENT ON A TIMELY BASIS, IT SHALL BE FORWARDED TO THE MEDICAL DIRECTOR FOR PRESENTATION TO THE CREDENTIALS COMMITTEE ON THE SAME BASIS AS OTHER APPLICANTS. THIS ACTION SHALL CONTINUE THE APPLICANT'S STATUS AND PRIVILEGES, IF ANY, AND CREATES NO VESTED RIGHTS FOR THE DURATION OF THE APPOINTMENT PERIOD, ONLY UNTIL SUCH TIME AS THE PROCESSING OF THE APPLICATION IS CONCLUDED.

- (3) ~~The medical staff administrative~~ CREDENTIALS committee shall ~~recommend to the medical director and~~ REVIEW THE APPLICATION, EVALUATE AND VERIFY THE SUPPORTING DOCUMENTATION, REFERENCES, LICENSURE, THE CHIEF OF THE CLINICAL DEPARTMENTS REPORT AND RECOMMENDATION, AND OTHER RELEVANT INFORMATION. THE CREDENTIALS COMMITTEE SHALL ACCESS PRIMARY SOURCES INCLUDING BUT NOT LIMITED TO THE AMA MASTER FILE, NATIONAL PRACTITIONER DATA BANK, AND THE RESPECTIVE SPECIALTY AND SUB-SPECIALTY CERTIFICATION BOARDS. THE CREDENTIALS COMMITTEE SHALL REVIEW ALL ASPECTS OF THE APPLICATION FOR MEMBERSHIP QUALIFICATIONS AND FOR CLINICAL PRIVILEGES. THE AWARD OR DENIAL OF CLINICAL PRIVILEGES SHALL BE BASED ON THE ABILITY OF THE APPLICANT TO PROPERLY PERFORM THE PRIVILEGES AND FUNCTIONS REQUESTED.

THE COMMITTEE SHALL, WITHIN SIXTY DAYS FROM RECEIPT OF THE REPORT AND RECOMMENDATION OF the chief of the clinical department, MAKE A RECOMMENDATION TO THE MEDICAL DIRECTOR that the application be accepted, ~~further investigated, or rejected,~~ OR MODIFIED. The medical director will forward the application, with recommendations RECOMMENDATION of the ~~chief of the clinical department, and his own recommendations,~~ CREDENTIALS COMMITTEE TO THE MEDICAL STAFF ADMINISTRATIVE COMMITTEE FOR FINAL ACTION WITHIN THE MEDICAL STAFF. THE FINAL ACTION OF THE MEDICAL STAFF ADMINISTRATIVE COMMITTEE REGARDING AN APPOINTMENT DECISION WILL BE COMMUNICATED BY THE MEDICAL DIRECTOR, ALONG WITH THE RECOMMENDATION OF THE MEDICAL

DIRECTOR TO THE PROFESSIONAL AFFAIRS, RESEARCH AND EDUCATION
COMMITTEE OF THE UNIVERSITY HOSPITALS BOARD, AND THEREAFTER to
AMENDMENTS TO THE MEDICAL STAFF BYLAWS (contd)

AMENDED BYLAWS (contd)

the university hospitals board. The university hospitals board shall make their recommendation to the board of trustees of the Ohio state university by communicating through the president of the Ohio state university.

- (4) UPON RECEIPT OF A RECOMMENDATION FOR NON-APPOINTMENT BY THE CREDENTIALS COMMITTEE, OR AT ANY TIME THE MEDICAL STAFF ADMINISTRATIVE COMMITTEE FIRST RECOMMENDS NON-APPOINTMENT OF AN INITIAL APPLICANT FOR MEDICAL STAFF MEMBERSHIP, THE MEDICAL STAFF ADMINISTRATIVE COMMITTEE SHALL REQUIRE THE MEDICAL DIRECTOR TO NOTIFY THE APPLICANT BY CERTIFIED RETURN RECEIPT MAIL THAT THE APPLICANT MAY REQUEST AN EVIDENTIARY HEARING AS PROVIDED IN PARAGRAPH (D) OF RULE 3335-43-06 OF THE ADMINISTRATIVE CODE. THE APPLICANT SHALL BE NOTIFIED OF THE REQUIREMENT TO REQUEST A HEARING AS PROVIDED BY PARAGRAPH (B) OF RULE 3335-43-06. IF A HEARING IS PROPERLY REQUESTED, THE APPLICANT WILL BE SUBJECT TO THE RIGHTS AND RESPONSIBILITIES OF RULE 3335-43-06.

FOLLOWING RECEIPT OF THE WRITTEN REPORT AND RECOMMENDATION TOGETHER WITH THE TRANSCRIPT OF THE HEARING AND ALL OTHER DOCUMENTATION PROVIDED BY THE PARTIES TO THE HEARING COMMITTEE, THE MEDICAL STAFF ADMINISTRATIVE COMMITTEE SHALL ACCEPT, REJECT, OR MODIFY THE APPLICATION FOR MEMBERSHIP AND CLINICAL PRIVILEGES. THE MEDICAL STAFF ADMINISTRATIVE COMMITTEE MAY REQUEST ADDITIONAL INFORMATION, MAY REMAND THE MATTER BACK TO THE HEARING COMMITTEE, OR MAY TAKE ANY ACTION IT DEEMS NECESSARY TO RENDER ITS DECISION. THE APPLICANT SHALL EXERCISE ONLY THOSE PRIVILEGES APPLIED FOR AND GRANTED, IF ANY, BY THE MEDICAL STAFF ADMINISTRATIVE COMMITTEE AND THE UNIVERSITY HOSPITALS BOARD DURING THE PENDENCY OF THE APPLICATION PROCESS.

THE DECISION OF THE MEDICAL STAFF ADMINISTRATIVE COMMITTEE SHALL BE DIRECTLY COMMUNICATED TO THE UNIVERSITY HOSPITALS BOARD BY THE MEDICAL DIRECTOR, WHO SHALL MAKE A SEPARATE RECOMMENDATION TO THE HOSPITALS BOARD. THE UNIVERSITY HOSPITALS BOARD SHALL MAKE THEIR RECOMMENDATION TO THE BOARD OF TRUSTEES OF THE OHIO STATE UNIVERSITY BY COMMUNICATING THROUGH THE PRESIDENT OF THE OHIO STATE UNIVERSITY.

When the board of trustees of the Ohio state university has acted, the secretary of the board shall inform the chief of the clinical department to transmit the decision to the applicant and, if appropriate, to the chief of the clinical division. The secretary of the board shall also notify the dean of the college of medicine, the medical director and the executive director of the university hospitals of the decision.

- (F) Procedure for reappointment.

- (1) ~~At least sixty~~ NINETY days prior to the ~~scheduled final medical staff administrative committee meeting of the fiscal year (first of July through thirtieth of June),~~ END OF THE FISCAL YEAR, OR THE END OF THE BIENNIAL PERIOD, THE CHIEF OF

THE CLINICAL DEPARTMENT SHALL PROVIDE EACH MEDICAL STAFF MEMBER IN THEIR CLINICAL DEPARTMENT WITH AN APPLICATION FOR
AMENDMENTS TO THE MEDICAL STAFF BYLAWS (contd)

AMENDED BYLAWS (contd)

REAPPOINTMENT TO THE MEDICAL STAFF. ~~the~~ THE chief of the clinical department shall review the information available on each ~~physician in his department for the purpose of determining~~ MEDICAL STAFF MEMBER, AND THE CHIEF OF THE CLINICAL DEPARTMENT SHALL MAKE recommendations ~~for~~ REGARDING reappointment to the medical staff and for granting clinical privileges for the ensuing year BIENNIAL PERIOD. Those recommendations shall be transmitted in writing ALONG WITH THE SIGNED AND COMPLETED REAPPOINTMENT FORMS to the medical director at least ~~thirty~~ SIXTY days prior to the ~~scheduled final medical staff administrative committee meeting~~ END of the fiscal year OR BIENNIAL PERIOD. ~~Where reappointment is recommended the subsequent procedure will be the same as upon appointment. Where a non-reappointment or a change in clinical privileges is recommended, the reason for such recommendation shall be stated. The medical director will forward the recommendations to the medical staff administrative committee.~~ THE TERMS OF PARAGRAPHS (A), (B), (D), AND (E) OF THIS RULE APPLY TO ALL APPLICANTS FOR REAPPOINTMENT. AN APPLICATION FOR REAPPOINTMENT MUST BE SUBMITTED FOLLOWING A LEAVE OF ABSENCE FROM THE MEDICAL STAFF AND/OR FROM THE FACULTY.

- (2) The basis on which the chiefs of the departments are to act concerning the reappointment of a medical staff member and the clinical privileges to be granted upon such reappointment shall be a member's professional competence; clinical judgment; ethical conduct; participation in staff affairs; compliance with the bylaws, rules and regulations of the medical staff, the university hospitals board, and the board of trustees of the Ohio state university; cooperation with university hospitals' personnel and the use of the hospitals' facilities for patients; relations with other physicians, other health professionals or other staff, and ~~his~~ MAINTENANCE OF A professional attitude toward patients; and the responsibility to the university hospitals and the public.
- (3) ~~When the medical staff administrative committee is notified of a recommendation of non-reappointment or adverse change in clinical privileges,~~ THE MEDICAL DIRECTOR SHALL FORWARD THE REAPPOINTMENT FORMS AND THE RECOMMENDATIONS OF THE CHIEF OF THE CLINICAL DEPARTMENT TO THE CREDENTIALS COMMITTEE. THE CREDENTIALS COMMITTEE SHALL REVIEW THE REQUEST FOR REAPPOINTMENT IN THE SAME MANNER, AND WITH THE SAME AUTHORITY AS AN ORIGINAL APPLICATION FOR MEDICAL STAFF MEMBERSHIP. THE CREDENTIALS COMMITTEE SHALL REVIEW ALL ASPECTS OF THE REAPPLICATION FOR CONTINUING MEMBERSHIP QUALIFICATIONS AND FOR CLINICAL PRIVILEGES. THE CREDENTIALS COMMITTEE WILL FORWARD ITS RECOMMENDATIONS TO THE MEDICAL DIRECTOR AT LEAST THIRTY DAYS PRIOR TO THE END OF THE PERIOD OF APPOINTMENT. THE MEDICAL DIRECTOR WILL TRANSMIT THE REAPPOINTMENT REQUEST AND THE RECOMMENDATION OF THE CREDENTIALS COMMITTEE TO THE MEDICAL STAFF ADMINISTRATIVE COMMITTEE FOR FINAL ACTION WITHIN THE MEDICAL STAFF.

FAILURE, WITHOUT GOOD CAUSE, TO SUBMIT REAPPOINTMENT FORMS SHALL BE DEEMED A VOLUNTARY RESIGNATION FROM THE MEDICAL STAFF AND SHALL RESULT IN AUTOMATIC TERMINATION OF MEMBERSHIP AND ALL CLINICAL PRIVILEGES. A MEDICAL STAFF MEMBER WHOSE MEMBERSHIP IS AUTOMATICALLY TERMINATED MAY APPLY TO THE

CREDENTIALS COMMITTEE

AMENDMENTS TO THE MEDICAL STAFF BYLAWS (contd)

AMENDED BYLAWS (contd)

FOR A HEARING, FOR THE SOLE PURPOSE OF DETERMINING WHETHER THE FAILURE TO SEEK REAPPOINTMENT WAS EXCUSABLE OR WHETHER THE REQUEST FOR REAPPLICATION SHOULD BE PROCESSED. THE RECOMMENDATION OF THE CREDENTIALS COMMITTEE REGARDING SUCH AUTOMATIC TERMINATION SHALL BE PRESENTED TO THE MEDICAL STAFF ADMINISTRATIVE COMMITTEE BY THE MEDICAL DIRECTOR. A REQUEST FOR REAPPOINTMENT SUBSEQUENTLY RECEIVED FROM A MEMBER WHO HAS BEEN AUTOMATICALLY TERMINATED SHALL BE PROCESSED AS PROVIDED IN THIS SECTION.

FAILURE OF THE CHIEF OF THE CLINICAL DEPARTMENT TO ACT TIMELY ON AN APPLICATION FOR REAPPOINTMENT SHALL BE HANDLED AS PROVIDED IN PARAGRAPH (E)(2) OF THIS RULE.

- (4) THE MEDICAL STAFF ADMINISTRATIVE COMMITTEE SHALL REVIEW EACH REQUEST FOR REAPPOINTMENT IN THE SAME MANNER AND WITH THE SAME AUTHORITY AS AN ORIGINAL APPLICATION FOR MEDICAL STAFF MEMBERSHIP. THE MEDICAL STAFF ADMINISTRATIVE COMMITTEE SHALL ACCEPT, REJECT, OR MODIFY THE REQUEST FOR REAPPOINTMENT IN THE SAME MANNER AND WITH THE SAME AUTHORITY AS AN ORIGINAL APPLICATION FOR MEDICAL STAFF MEMBERSHIP. WHEN THE DECISION OF THE MEDICAL STAFF ADMINISTRATIVE COMMITTEE RESULTS IN A DECISION OF NON-REAPPOINTMENT OR ADVERSE CHANGE IN CLINICAL PRIVILEGES, they shall instruct the dean of the college of medicine to give written notice to the affected member of the decision, the stated reason for the decision, and the member's right to a hearing pursuant to paragraphs (A) and (B) of rule 3335-43-06 of the Administrative Code. This notification and an opportunity to exhaust the administrative appeal process shall occur prior to the imposition of the proposed penalties unless the emergency provisions outlined in paragraph (D) of rule 3335-43-05 of the Administrative Code apply. The notice by the dean shall be sent certified return receipt mail to the affected member's last known address as determined by university records.

- ~~(4)~~
(5) If the affected member of the medical staff does not make a written request for a hearing to the medical director within ~~fourteen~~ THIRTY-ONE days after receipt of the adverse decision, it shall be deemed a waiver of ~~his~~ THE right to any review by the medical staff administrative committee to which ~~he~~ THE STAFF MEMBER might otherwise have been entitled on the matter.

- ~~(5)~~
(6) If a timely, written request for hearing is made, the procedures set forth in rule 3335-43-06 of the Administrative Code shall apply.

- (7) THE FINAL ACTION OF THE MEDICAL STAFF ADMINISTRATIVE COMMITTEE REGARDING A REAPPOINTMENT DECISION WILL BE COMMUNICATED BY THE MEDICAL DIRECTOR, ALONG WITH THE RECOMMENDATION OF THE MEDICAL DIRECTOR, TO THE PROFESSIONAL AFFAIRS, RESEARCH, AND EDUCATION COMMITTEE OF THE UNIVERSITY HOSPITALS BOARD, AND THEREAFTER TO THE UNIVERSITY HOSPITALS BOARD. THE UNIVERSITY HOSPITALS BOARD SHALL MAKE THEIR RECOMMENDATION TO THE BOARD OF TRUSTEES OF THE OHIO STATE UNIVERSITY BY COMMUN-

ICATING THROUGH THE PRESIDENT OF THE OHIO STATE UNIVERSITY.

AMENDMENTS TO THE MEDICAL STAFF BYLAWS (contd)

AMENDED BYLAWS (contd)

3335-43-05 Corrective action.

(A) Procedures.

(1) Unchanged.

- (2) The dean of the college of medicine shall promptly notify the affected member of the medical staff, in a confidential manner, that a request for corrective action has been made, and inform ~~him~~ THE MEMBER of the specific activities or conduct which constitutes grounds for the requested action. The dean shall investigate the matter in whatever manner ~~he~~ THE DEAN deems appropriate. Whenever the dean determines that further action is warranted and that corrective action could result, which action could involve a reduction, suspension or revocation of clinical privileges, the dean shall refer the requests to the chief of the clinical department in which the staff member has clinical privileges, who shall impanel the investigation committee. If the chief of the clinical department is the staff member charged, or has initiated the corrective action, the dean shall designate a physician member of ~~his~~ THE DEAN'S administrative staff to fulfill the functions herein specified for said chief. The affected member of the medical staff shall be notified of the referral to the investigation committee, and be informed that these medical staff bylaws will govern all further proceedings. The dean shall designate a physician member of ~~his~~ THE DEAN'S administrative staff to exercise any or all duties or responsibilities assigned to ~~him~~ THE DEAN under these rules for implementing corrective action and appellate procedure only if:

- (a) ~~He~~ THE DEAN is the medical staff member charged;
- (b) ~~He~~ THE DEAN is responsible for having the charges brought against another medical staff member; or
- (c) There is an obvious conflict of interest.

If the dean decides that no further action is warranted, ~~he~~ THE DEAN will notify the person(s) who filed the request for corrective action and the member accused, in writing, that no further action will be taken.

- (3) The investigation committee will investigate the request for corrective action and shall report within two weeks its findings and recommendations for action to the chief of the clinical department or the dean's designee. The chief of the clinical department or the dean's designee will forward ~~his~~ A SEPARATE recommendation and the findings and recommendations of the investigation committee to the dean of the college of medicine. Prior to making such a report to the dean, the medical staff member against whom the corrective action has been requested shall have an opportunity to interview the chief of the clinical department or the dean's designee. At such interview, the medical staff member shall be informed of the specific activities alleged to constitute grounds for corrective action, and of the specific evidence which the investigation committee and the chief of the clinical department or the dean's designee have discovered which is material to the charge. The medical staff member shall be invited to discuss, explain or refute the charge or the

AMENDMENTS TO THE MEDICAL STAFF BYLAWS (contd)

AMENDED BYLAWS (contd)

evidence thus far adduced. The medical staff member may furnish written or oral information to the chief at this time. However, such interview shall not constitute a hearing, but shall be investigative in nature. The medical staff member shall not be represented by an attorney at this interview.

- (4) Following receipt by the dean of the college of medicine of the report from the investigation committee and the chief of the clinical department, the dean shall decide whether the grounds for the requested corrective action are such as could involve a reduction, suspension or revocation of clinical privileges. If the dean decides that the grounds are not substantiated, ~~he~~ THE DEAN will notify the investigation committee; chief of the clinical department; person(s) who filed the charge; and the medical staff member affected, in writing, that no further action will be taken. If the dean decides that the grounds for corrective action are substantiated, the dean shall notify the chief of staff to impanel a grievance committee of the medical staff as outlined in paragraph (C) of this rule. The affected member of the medical staff shall be promptly notified by the dean and permitted to make an appearance before the grievance committee of the medical staff. The rules of conduct of the meeting shall be as outlined in paragraph (C) of this rule. The grievance committee will forward its findings and recommendations for action to the dean of the college of medicine, medical director, chief of staff and the accused member of the medical staff.
 - (5) Following receipt by the dean of the college of medicine of the report from the grievance committee, the dean shall decide whether the grounds for the requested corrective action are such as could involve a reduction, suspension or revocation of clinical privileges. If the dean decides the grounds are not substantiated, ~~he~~ THE DEAN will notify the grievance committee, the person(s) who filed the charge and the medical staff member affected in writing that no further action will be taken. In the event the dean finds the grounds for the requested corrective action are substantiated ~~he~~ THE DEAN may accept, reject or modify the corrective action recommended by the grievance committee and notify the medical staff member of ~~his~~ THAT decision and of the affected medical staff member's appeal rights pursuant to rule 3335-43-06 of the Administrative Code. This notification and an opportunity to exhaust the administrative appeal process shall occur prior to the imposition of the proposed penalties unless the emergency provisions outlined in paragraph (D) of this rule apply. This notice by the dean shall be sent certified return receipt mail to the affected member's last known address as determined by university records.
 - (6) If the affected member of the medical staff does not make a written request for a hearing to the medical director within ~~fourteen~~ THIRTY-ONE days after receipt of the adverse decision, it shall be deemed a waiver of ~~his~~ THE right to any review by the medical staff administrative committee to which ~~he~~ THE STAFF MEMBER might otherwise have been entitled on the matter.
 - (7) Unchanged.
- (B) Unchanged.

AMENDMENTS TO THE MEDICAL STAFF BYLAWS (contd)

AMENDED BYLAWS (contd)

(C) Composition of grievance committee.

- (1) At the first meeting of the medical staff, during the fall quarter of each academic year, the chief of the medical staff shall submit, for approval by the staff, the names of thirty members of the staff (who shall not be members of the medical staff administrative committee) whom ~~he~~ THE CHIEF OF STAFF has chosen as being appropriate to sit on the grievance committee when they are selected, by lot, to do so.
- (2) Unchanged.
- (3) Each grievance committee shall choose from among its number a ~~chairman~~ CHAIRPERSON who shall preside over it and, with the advice and consent of the committee, speak for it, during the hearing, rule on the matters relevant to its proceedings, and arrange for the conduct of the committee's administration. All grievance committee members shall be required to hear all evidence presented. Any recommendation that involves a reduction, suspension, or revocation of clinical privileges may be by majority decision of the committee. If circumstances make attendance by a member of the grievance committee at a hearing impossible, or require an excessive postponement, the chief of staff shall order the remaining four to act upon a clear majority of the remaining four, or shall immediately select a new grievance committee. If more than one member cannot hear all the evidence, a new committee shall be composed.
- (4) The affected medical staff member shall have the right to personally appear before the grievance committee, to cross-examine witnesses, and to submit to the grievance committee written evidence and memoranda relevant to the issues. The staff member shall be fully apprised of all allegations and all evidence known to the grievance committee, and shall be entitled to discuss, explain and refute all evidence adduced against ~~him~~ THE MEMBER. The affected medical staff member shall not be represented by an attorney before the grievance committee.

(D) Summary suspension.

- (1) Notwithstanding the provisions of this rule, a member of the medical staff shall have all or any portion of his OR HER clinical privileges suspended by the dean of the college of medicine, the medical director, or the chief of ~~his~~ THE MEMBER'S clinical department whenever such action must be taken immediately in the best interest of patient care. Such summary suspension shall become effective immediately upon imposition and the medical staff member will be subsequently notified in writing of the suspension by the dean of the college of medicine. Such notice shall be by certified return mail to the affected medical staff member's last known address as determined by university records.
- (2) A medical staff member whose privileges have been summarily suspended shall be entitled to appeal the suspension pursuant to rule 3335-43-06 of the Administrative Code. If the affected member of the medical staff does not make a written request for a hearing to the medical director within ~~fourteen~~ THIRTY-ONE days after receipt of the adverse decision, it shall be deemed a waiver of ~~his~~ THE right to any review by the medical staff administrative committee to which ~~he~~ THE STAFF MEMBER might otherwise have been entitled on the matter. If a timely, written request for a hearing is made, the procedures of rule 3335-43-06 of the Administrative Code

AMENDMENTS TO THE MEDICAL STAFF BYLAWS (contd)

AMENDED BYLAWS (contd)

shall apply.

- (3) Immediately upon the imposition of a summary suspension, the dean of the college of medicine, the medical director, or the appropriate chief of a clinical department shall have the authority to provide for alternative medical coverage for the patients of the suspended medical staff member who remain in the hospital at the time of suspension. The wishes of the patient shall be considered in the selection of such alternative medical coverage. WHILE A SUMMARY SUSPENSION IS IN EFFECT, THE MEMBER OF THE MEDICAL STAFF IS INELIGIBLE FOR REAPPOINTMENT TO THE MEDICAL STAFF. MEDICAL STAFF AND HOSPITAL ADMINISTRATIVE DUTIES AND PREROGATIVES ARE SUSPENDED DURING THE SUMMARY SUSPENSION.

(E) Automatic suspension.

- (1) Unchanged.
- (2) Action by the state boards of licensure revoking or suspending a medical staff member's license or placing him THE MEMBER upon probation will automatically impose the same restrictions to ~~his~~ THAT MEMBER'S university hospitals' privileges.

(F) REPORTING RESPONSIBILITY.

WHEN THE DEAN, THE MEDICAL STAFF ADMINISTRATIVE COMMITTEE, OR THE HOSPITALS BOARD DETERMINES OR LEARNS THAT A DECISION ON CORRECTIVE ACTION HAS BECOME FINAL WITHIN THE TERMS OF THIS RULE OR RULE 3335-43-06 OF THE ADMINISTRATIVE CODE, THEY SHALL INSTRUCT THE MEDICAL DIRECTOR TO MAKE A REPORT OF SAID ACTION AS MAY BE REQUIRED FOR COMPLIANCE WITH STATE AND FEDERAL LAW OR REGULATIONS, INCLUDING THE PROVISIONS OF THE NATIONAL PRACTITIONER DATA BANK.

3335-43-06 Hearing and appellate review procedure.

(A) Right to hearing before the medical staff administrative committee and to appellate review.

- (1) When a member of the medical staff who has exhausted ~~his~~ ALL remedies under paragraph (E) AND (F) of rule 3335-43-04 of the Administrative Code on reappointments; or under rule 3335-43-05 of the Administrative Code for corrective action; or who has been summarily or automatically suspended under paragraph (D) or (E) of rule 3335-43-05 of the Administrative Code; receives notice of a proposed action by the dean of the college of medicine or the medical director that will adversely affect ~~his reappointment as a member of~~ MEMBERSHIP ON the medical staff or ~~his~~ THE exercise of clinical privileges. ~~The~~ THE staff member shall be entitled to a hearing before the medical staff administrative committee, ~~which will~~ THAT COMMITTEE SHALL submit a written report, including its ~~recommendations,~~ RECOMMENDATION to the ~~chairman~~ CHAIRPERSON of the ~~joint conference~~ PROFESSIONAL AFFAIRS, EDUCATION, AND RESEARCH committee of the university hospitals board within ~~seven~~ FOURTEEN days of the ~~conclusion of hearing evidence~~ FINAL VOTE BY THE MEDICAL STAFF ADMINISTRATIVE COMMITTEE. AN ADVERSE ACTION WHICH MUST BE REPORTED TO THE STATE MEDICAL BOARD OR THE FEDERAL GOVERNMENT, INCLUDING THE

AMENDMENTS TO THE MEDICAL STAFF BYLAWS (contd)

AMENDED BYLAWS (contd)

NATIONAL PRACTITIONER DATA BANK₁ SHALL ENTITLE AN AFFECTED MEDICAL STAFF MEMBER TO THE PROCEDURES OF THIS SECTION.

- (2) All hearings and appellate reviews shall be in accordance with the procedural safeguards set forth in this rule to assure that the affected medical staff member is accorded all rights to which ~~he~~ THE MEMBER is entitled.
- (B) Request for hearing.
 - (1) The request for a hearing before the medical staff administrative committee shall be submitted in writing by the affected medical staff member to the medical director within ~~fourteen~~ THIRTY-ONE days of notification by the dean or medical director of ~~his~~ THE intended action. The medical director shall forward the request to the medical staff administrative committee along with instructions to convene a hearing.
 - (2) The failure of a medical staff member to request a hearing before the medical staff administrative committee, to which ~~he~~ THE MEMBER is entitled by these bylaws within the time and in the manner herein provided, shall be deemed a waiver of ~~his~~ THE right to any review by the medical staff administrative committee ~~to which he might otherwise have been entitled on the matter~~. The dean of the college of medicine shall then implement the decision and that action shall become and remain effective against the medical staff member in the same manner as a final decision of the board of trustees of the Ohio state university as provided for in paragraph (F) of this rule. The dean shall promptly inform the affected medical staff member that the proposed decision which had entitled the medical staff member to a hearing has now become final.
- (C) Notice of hearing.
 - (1) Within fourteen days after receipt of a request for hearing by the medical director from a medical staff member entitled to the same, the medical staff administrative committee shall schedule and arrange for such a hearing and shall, through the dean, notify the medical staff member in writing of the time, place, and date so scheduled. The medical staff member shall be given at least ten days prior notice of the scheduled hearing, provided that this notice may be waived in writing by the medical staff member. Notice shall be by certified return receipt mail to the staff member at ~~his~~ THE STAFF MEMBER'S last known address as reflected by university records. The hearing or initial hearing, should more than one hearing be required, shall not be less than fourteen days nor more than thirty days from the date of the receipt of the request for hearing by the medical director; provided, however, that a hearing for a medical staff member who is under suspension, which is then in effect, shall be held as soon as arrangements may be reasonably made.
 - (2) Unchanged.
- (D) Conduct of hearing.
 - (1) ~~A majority of the members of the medical staff administrative~~ PRIOR TO THE FINAL CONSIDERATION OF THE MATTER BY THE MEDICAL STAFF ADMINISTRATIVE COMMITTEE AN EVIDENTIARY HEARING SHALL BE CONDUCTED BY A HEARING COMMITTEE COMPOSED OF FIVE MEMBERS OF THE MEDICAL STAFF APPOINTED JOINTLY BY THE MEDICAL DIRECTOR

AND CHIEF OF STAFF, NO

AMENDMENTS TO THE MEDICAL STAFF BYLAWS (contd)

AMENDED BYLAWS (contd)

STAFF MEMBER WHO IS A DIRECT COMPETITOR, HAS A CONFLICT OF INTEREST, OR WHO HAS PREVIOUSLY PARTICIPATED IN THE CONSIDERATION OF THE ADVERSE RECOMMENDATION INCLUDING MEMBERS OF THE MEDICAL STAFF ADMINISTRATIVE COMMITTEE IS ELIGIBLE TO SERVE ON THE HEARING COMMITTEE.

THE HEARING COMMITTEE SHALL SELECT A CHAIRPERSON FROM THE COMMITTEE MEMBERSHIP TO PRESIDE OVER THE HEARING. THE HEARING COMMITTEE SHALL HAVE BENEFIT OF UNIVERSITY LEGAL COUNSEL. THE HEARING COMMITTEE MAY GRANT CONTINUANCES, RECESSES, AND THE CHAIRPERSON MAY EXCUSE A MEMBER OF THE HEARING COMMITTEE FROM ATTENDANCE TEMPORARILY FOR GOOD CAUSE, PROVIDED THAT THERE SHALL BE AT NO TIME LESS THAN FOUR MEMBERS OF THE HEARING COMMITTEE PRESENT UNLESS THE AFFECTED STAFF MEMBER WAIVES THIS REQUIREMENT.

~~ALL MEMBERS OF THE HEARING committee shall MUST be present to convene the hearing and a majority which has heard all the evidence must be present to deliberate and to vote. No member may vote by proxy. THE PERSON WHO HAS TAKEN ACTION FROM WHICH THE AFFECTED STAFF MEMBER HAS REQUESTED THE HEARING SHALL NOT PARTICIPATE IN THE DELIBERATION OR VOTING OF THE HEARING COMMITTEE. The hearing shall be a DE NOVO hearing, although evidence of the prior recommendations and decisions of the dean and the various committees may be presented. Neither the dean of the college of medicine nor any member of his staff who has been designated to carry out the duties and responsibilities of the dean under these procedures shall participate in any way in the proceedings or deliberations of the committee except as an observer, a witness, or to explain his prior recommendations and decisions. The committee shall select a chairman from the committee membership for the purpose of conducting the hearing. The person who brings the charge shall not participate in the deliberation or voting of the committee.~~

- (2) An accurate record of the hearing must be kept. The mechanism for taking the record shall be by the use of a professional stenographer. This record will be available to the affected member of the medical staff upon request at his THE MEMBER'S expense.
- (3) The personal presence of the medical staff member for whom the hearing has been scheduled shall be required. A medical staff member who fails without good cause to appear and proceed at such hearing shall be deemed to have waived his ALL rights to appear and to have a hearing before the medical staff administrative committee in the same manner as provided in paragraph (B) of this rule, and to have accepted the adverse recommendation or decision involved and the same shall therein become and remain in effect as provided in paragraph (B) of this rule. The medical staff administrative committee may, in its own discretion, ORDER THE HEARING COMMITTEE TO proceed with the hearing without the medical staff member and impose a sanction which is greater or lesser than that originally imposed.
- (4) ~~Postponements of hearings beyond the time set forth in these bylaws shall be made only with the approval of the medical staff administrative committee.~~

December 3, 1993 meeting, Board of Trustees

~~Granting of such postponement shall be only for good cause shown.~~

AMENDMENTS TO THE MEDICAL STAFF BYLAWS (contd)

AMENDED BYLAWS (contd)

~~(5)~~

(4)

The hearing need not be conducted strictly according to the rules of law related to the examination of witnesses or presentation of evidence. Any relevant matters upon which responsible persons customarily rely in the conduct of serious affairs shall be considered, regardless of the existence of any common law or statutory rule which might make evidence inadmissible over objection in civil or criminal action. The member of the medical staff for whom the hearing is being held shall, prior to, or during the hearing, be entitled to submit memoranda concerning any issues of procedure or of fact and such memoranda shall become a part of the hearing record.

~~(6)~~

(5)

The affected medical staff member shall have the following rights: to be represented by an attorney at law and to call and examine witnesses; to introduce evidence; to cross-examine any witnesses on any matter relevant to the issue of the hearing; and to challenge any witness and to rebut any evidence. If the medical staff member does not testify in his OR HER own behalf, ~~he~~ THE STAFF MEMBER may be called and examined as if under cross-examination.

(6)

THE HEARING COMMITTEE SHALL REQUEST THE PERSON WHO HAS TAKEN THE ACTION FROM WHICH THE AFFECTED STAFF MEMBER HAS APPEALED OR REQUESTED THE HEARING TO PRESENT EVIDENCE TO THE HEARING COMMITTEE IN SUPPORT OF THE ADVERSE RECOMMENDATION. THE HEARING COMMITTEE MAY PROCEED TO HEAR EVIDENCE AND TESTIMONY FROM EITHER PARTY IN WHATEVER ORDER THE HEARING COMMITTEE DEEMS APPROPRIATE. THE HEARING COMMITTEE MAY CALL ITS OWN WITNESSES, MAY RECALL ANY PARTIES WITNESSES, AND MAY QUESTION WITNESSES AS IT DEEMS APPROPRIATE. ALL PARTIES SHALL BE RESPONSIBLE TO SECURE THE ATTENDANCE OF THEIR OWN WITNESSES. ALL WITNESSES AND EVIDENCE RECEIVED BY THE HEARING COMMITTEE SHALL BE OPEN TO CHALLENGE AND CROSS-EXAMINATION BY THE PARTIES. WITNESSES SHALL NOT BE PLACED UNDER OATH. AT THE CLOSE OF THE EVIDENCE THE HEARING COMMITTEE MAY REQUEST EACH PARTY TO MAKE SUMMARY STATEMENTS, EITHER ORAL OR WRITTEN. THE HEARING COMMITTEE MAY REQUEST LEGAL REPRESENTATION FROM THE UNIVERSITY AND MAY PERMIT THE DEAN, AND THE DEAN'S DESIGNEES TO PARTICIPATE WITHOUT VOTE AT THEIR PROCEEDINGS.

(7)

~~The medical staff administrative~~ HEARING committee may, without special notice, recess the hearing and reconvene the same for the convenience of the participants or for the purpose of obtaining new or additional evidence or consultation. THE HEARING COMMITTEE SHALL MAKE ITS BEST EFFORT TO EXPEDITIOUSLY DETERMINE THE ISSUES PRESENTED. THE HEARING COMMITTEE MAY ELECT TO LIMIT ITS PROCEEDINGS WHEN SUFFICIENT MATERIAL HAS BEEN RECEIVED. THE PARTIES MAY BE REQUIRED BY THE HEARING COMMITTEE TO PROVIDE EVIDENCE IN ORAL OR WRITTEN FORM. Upon conclusion of the presentation of oral and written evidence, the hearing shall be closed. The committee may thereupon, at a time convenient to itself, conduct its deliberations outside the presence of the medical staff member for whom the hearing was convened.

AMENDMENTS TO THE MEDICAL STAFF BYLAWS (contd)

AMENDED BYLAWS (contd)

- (8) Within ~~seven~~ FOURTEEN days after the ~~conclusion of the taking of all evidence and of all hearings, the committee shall make a~~ HEARING IS CLOSED, THE HEARING COMMITTEE SHALL DELIBERATE AND VOTE. WITHIN FOURTEEN DAYS AFTER THE VOTE IS TAKEN, THE HEARING COMMITTEE SHALL FORWARD ITS written report of its findings and decisions and shall forward the same together with the hearings record AND RECOMMENDATION TOGETHER WITH THE TRANSCRIPT OF THE HEARING and all other documentation to the joint conference committee of the university hospitals board. The decision may recommend confirmation, modification, or rejection of the prior adverse decision and may impose more severe sanctions than were provided in the decision from which this request for hearing was made. PROVIDED BY THE PARTIES TO THE MEDICAL STAFF ADMINISTRATIVE COMMITTEE, THE MEDICAL STAFF ADMINISTRATIVE COMMITTEE SHALL ACCEPT, REJECT, OR MODIFY THE RECOMMENDATION OF THE HEARING COMMITTEE. THE MEDICAL STAFF ADMINISTRATIVE COMMITTEE MAY CONDUCT FURTHER HEARINGS AS IT DEEMS NECESSARY OR MAY REMAND THE MATTER BACK TO THE HEARING COMMITTEE FOR FURTHER ACTION AS DIRECTED. THE MEDICAL STAFF ADMINISTRATIVE COMMITTEE MAY IMPOSE A GREATER OR LESSOR SANCTION THAN THAT RECOMMENDED BY THE HEARING COMMITTEE.

THE DECISION OF THE MEDICAL STAFF ADMINISTRATIVE COMMITTEE SHALL BE FORWARDED TO THE PROFESSIONAL AFFAIRS, EDUCATION, AND RESEARCH COMMITTEE OF THE UNIVERSITY HOSPITALS BOARD. The affected member of the medical staff shall be notified of the decision of the medical staff administrative committee by the medical director. In successive order, the decision and record of the medical staff administrative committee shall be reviewed by the joint conference PROFESSIONAL AFFAIRS, EDUCATION AND RESEARCH committee and the university hospitals board, each of which shall have the authority to accept, reject, or modify the previous decision forwarded to them. The joint conference committee shall notify the affected medical staff member of its decision. When the hospitals board has made its decision, notice of that decision shall be sent certified return receipt mail to the affected medical staff member at his THE MEMBER'S last known address as determined by university records.

- (E) Appeal to the president of the university.

- (1) Within fourteen days after receipt of a notice by an affected medical staff member of the action of the university hospitals board ~~he~~ THE MEMBER may, by written notice to the president of the university, request an appellate review by the president of the university. Such appellate review shall only be held on the record on which the adverse decision is based, as appended by the medical staff member's statement provided for below.
- (2) If such review is not requested within said fourteen-day period, the affected medical staff member shall be deemed to have waived ~~his~~ THE MEMBER'S right to the same, and to have accepted such adverse decision, and the same shall become effective immediately as provided for in paragraph (B) of this rule.
- (3) The review shall be conducted by the president of the university OR THE PRESIDENT'S DESIGNEE.

AMENDMENTS TO THE MEDICAL STAFF BYLAWS (contd)

AMENDED BYLAWS (contd)

- (4) The affected medical staff member shall have access to the reports and records, including transcripts, if any, of the HEARING COMMITTEE AND OF THE medical staff administrative committee and all other material, favorable or unfavorable, that has been considered by that committee; the ~~joint conference~~ PROFESSIONAL AFFAIRS, EDUCATION AND RESEARCH committee; and the university hospitals board. ~~He~~ THE STAFF MEMBER shall then submit a written factual statement ~~in his own behalf in which~~ INDICATING those factual and procedural matters with which ~~he~~ THE MEMBER disagrees, and ~~his~~ THE reasons for such disagreement, shall be specified. This written statement may cover any matters raised at any step in the procedure to which the appeal is related, and legal counsel may assist in its preparation. Such written statement shall be submitted to the president of the university at least seven days prior to the scheduled date for review.
 - (5) New or additional matters not raised during the grievance committee hearing or in the medical staff administrative committee hearings shall only be introduced at the review by the president of the university at ~~his~~ THE PRESIDENT'S sole discretion.
 - (6) The president of the university may affirm, modify or reject any prior decision, or ~~at his discretion~~ refer the matter back to the hospitals board for further review and recommendation within fourteen days. Such referral may include a request for further investigation. The president's decision shall be mailed certified return receipt mail to the affected medical staff member at ~~his~~ THE MEMBER'S last known address as determined by university records.
- (F) Appeal to the board of trustees of the Ohio state university.
- (1) If the affected medical staff member wishes to appeal the final decision of the president of the university, ~~he~~ THE MEMBER may within fourteen days after notification of the president's decision request the record of the proceedings of the medical staff administrative committee's hearing be forwarded to the board of trustees of the Ohio state university. Failure to appeal within fourteen days shall make the president's decision final. The board, in its discretion, may accept, reject, or modify the decision of the president. It may request the record of proceedings of the medical staff administrative committee as well as any information considered by the president of the university in order to take specific action relating to the matter under review.
 - (2) The secretary of the board of trustees of the Ohio state university shall notify the medical staff administrative committee, the university hospitals board and the president of the university of the action taken by the board of trustees of the Ohio state university. Subsequent to this notification, the secretary of the board of trustees of the Ohio state university shall notify the affected medical staff member of the final action taken on ~~his~~ THE appeal.

3335-43-07 Divisions of the medical staff.

The medical staff of the Ohio state university hospitals shall be divided into honorary, attending, courtesy, and limited designations.

- (A) Unchanged.

AMENDMENTS TO THE MEDICAL STAFF BYLAWS (contd)

AMENDED BYLAWS (contd)

(B) Attending staff.

- (1) Qualifications: The attending staff shall consist of those faculty members of the colleges of medicine and dentistry to whom clinical teaching responsibilities are assigned in the university hospitals and who satisfy the requirements and qualifications set forth in rule 3335-43-04 of the Administrative Code. The assignment of teaching responsibility is the prerogative of the chief of the clinical department or ~~his~~ THE CHIEF'S designee.

(2) Prerogatives:

An attending staff member may:

- (a) Admit patients consistent with the balanced teaching and patient care responsibilities of the institution. When, in the judgment of the chief of the clinical department, a balanced teaching program is jeopardized, following consultation with the dean and the university hospitals' executive director, and with the concurrence of a majority of the medical staff administrative committee, ~~he~~ THE CHIEF may restrict admissions. Imposition of such restrictions shall not entitle the attending staff member to the procedures of paragraph (F) of rule 3335-43-04 of the Administrative Code and rule 3335-43-05 of the Administrative Code.
- (b) Unchanged.
- (c) Vote on all matters presented at general and special meetings of the medical staff and of the department and committees of which he OR SHE is a member unless otherwise provided by resolution of the staff, department, or committee and approved by the medical staff administrative committee.
- (d) Hold office in the staff organization and in the department and committees of which he OR SHE is a member, unless otherwise provided by resolution of the staff, department, or committee and approved by the medical staff administrative committee.

(3) Responsibilities:

An attending staff member shall:

- (a) Unchanged.
- (b) Retain responsibility within ~~his~~ THE MEMBER'S area of professional competence for the continuous care and supervision of each patient in the hospitals for whom ~~he~~ THE MEMBER is providing care, or arrange a suitable alternative for such care and supervision.
- (c) Unchanged.
- (d) Satisfy the requirements set forth in rule 3335-43-11 of the Administrative Code for attendance at staff and departmental meetings and meetings of those committees of which he OR SHE is a member.

AMENDMENTS TO THE MEDICAL STAFF BYLAWS (contd)

AMENDED BYLAWS (contd)

- (C) Courtesy staff.
- (1) Unchanged.
 - (2) Unchanged.
 - (a) and (b) unchanged.
 - (c) Attend meetings as a nonvoting member of the medical staff and the department of which he OR SHE is a member and any medical staff or hospitals education programs. ~~He~~ THE MEMBER may not hold elected office in the medical staff organization.
 - (3) Responsibilities: Each member of the courtesy staff shall be required to discharge the basic responsibilities specified in paragraph (B)(3) of this rule and, further, shall retain responsibility within ~~his~~ THE MEMBER'S area of professional competence for the care and supervision of each patient in the hospital for whom ~~he~~ THE MEMBER is providing services, or arrange a suitable alternative for such care and supervision.
- (D) Limited medical staff.
- (1) Qualifications:

The limited staff shall consist of doctors of medicine, osteopathic medicine, ~~and~~ dental surgery AND PRACTITIONERS OF PODIATRY OR PSYCHOLOGY who are appointed in good standing in post doctoral educational programs established and supervised by the clinical department or division chiefs. THE LIMITED STAFF SHALL MAINTAIN COMPLIANCE WITH THE REQUIREMENTS OF STATE LAW, INCLUDING REGULATIONS ADOPTED BY THE STATE MEDICAL BOARD, OR THEIR RESPECTIVE LICENSING BOARD.
 - (2) Unchanged.
 - (a) through (e) unchanged.
 - (f) Alleged misconduct by a member of the limited staff, for reasons other than failure to meet expectations of professional growth as outlined in (d) and (e) above, shall be handled in accordance with ~~the medical staff bylaws~~ RULES 3335-43-05 and 3335-43-06 OF THE ADMINISTRATIVE CODE.
- (E) Clinical privileges.
- (1) ~~Restrictions~~ DELINEATION OF CLINICAL PRACTICES:
 - (a) Every person practicing at university hospitals by virtue of medical staff membership or ~~otherwise~~ UNDER AUTHORITY GRANTED IN THESE MEDICAL STAFF BYLAWS shall, in connection with such practice, be entitled to exercise ONLY those clinical privileges specifically APPLIED FOR AND granted to ~~him~~ THE STAFF MEMBER by the ~~clinical department of which he is a member.~~ The process of delineating privileges shall be

AMENDMENTS TO THE MEDICAL STAFF BYLAWS (contd)

AMENDED BYLAWS (contd)

~~the responsibility of the clinical division chief with the approval of the chief of the clinical department if there is no clinical division and shall be on file with the medical director. A medical staff member may contest the specific privileges granted to him under rule 3335-43-04 of the Administrative Code.~~ MEDICAL STAFF ADMINISTRATIVE COMMITTEE AND THE UNIVERSITY HOSPITALS BOARD. REQUESTS FOR THE EXERCISE AND DELINEATION OF CLINICAL PRIVILEGES MUST BE MADE AS PART OF EACH APPLICATION FOR APPOINTMENT OR REAPPOINTMENT TO THE MEDICAL STAFF ON THE FORMS PROVIDED BY THE MEDICAL STAFF ADMINISTRATIVE COMMITTEE. REQUESTS MUST BE SUBMITTED TO THE CHIEF OF THE CLINICAL DEPARTMENT IN WHICH THE PRIVILEGES WILL BE EXERCISED. CLINICAL PRIVILEGES REQUESTED OTHER THAN DURING APPOINTMENT OR REAPPOINTMENT TO THE MEDICAL STAFF SHALL BE SUBMITTED TO THE CHIEF OF THE CLINICAL DEPARTMENT, WHO SHALL REVIEW THE REQUEST AND TRANSFER THE REQUEST AND A SEPARATE RECOMMENDATION TO THE MEDICAL DIRECTOR.

- (b) ~~The evaluation of every initial application for clinical privileges shall~~ EACH CLINICAL DEPARTMENT WILL DEVELOP CLINICAL CRITERIA AND STANDARDS FOR THE EVALUATION OF PRIVILEGES WITH EMPHASIS ON INVASIVE OR THERAPEUTIC PROCEDURES OR TREATMENT WHICH PRESENT SIGNIFICANT RISK TO THE PATIENT OR FOR WHICH SPECIFIC PROFESSIONAL TRAINING OR EXPERIENCE IS REQUIRED. THE CHIEF OF THE CLINICAL DEPARTMENT WILL REVIEW EACH APPLICANT'S REQUEST AND MAKE A RECOMMENDATION REGARDING CLINICAL PRIVILEGES TO THE MEDICAL DIRECTOR. REQUESTS FOR CLINICAL PRIVILEGES WILL be EVALUATED based upon the applicant's education, training, experience, demonstrated competence, references, and other relevant information, including an appraisal by the clinical division chief of the division in which such privileges are sought ~~THE DIRECT OBSERVATION AND REVIEW OF RECORDS OF THE APPLICANT'S PERFORMANCE BY THE CLINICAL DEPARTMENT IN WHICH THE PRIVILEGES ARE EXERCISED. WHENEVER POSSIBLE THE REVIEW SHOULD BE OF PRIMARY SOURCE INFORMATION. The applicant shall have~~ HAS the burden of establishing his ~~THE qualifications and competence in the clinical privileges and the recommendation for increase or reduction of same shall be the responsibility of each clinical division chief or clinical department chief~~ FOR THE PRIVILEGES REQUESTED.

- (c) THE MEDICAL DIRECTOR SHALL TRANSFER THE STAFF MEMBER'S REQUEST AND THE RECOMMENDATION OF THE CHIEF OF THE CLINICAL DEPARTMENT TO THE CREDENTIALS COMMITTEE FOR ITS REVIEW AND RECOMMENDATION. THE CREDENTIALS COMMITTEE SHALL APPROVE, REJECT, OR MODIFY THE REQUEST AND FORWARD ITS RECOMMENDATION TO THE MEDICAL DIRECTOR FOR TRANSMITTAL TO THE MEDICAL STAFF ADMINISTRATIVE COMMITTEE. THE MEDICAL STAFF ADMINISTRATIVE COMMITTEE SHALL REVIEW THE REQUEST AND THE RECOMMENDATION OF THE CREDENTIALS COMMITTEE AND MAY APPROVE, REJECT, OR MODIFY THE REQUEST. THE FINAL ACTION OF THE MEDICAL STAFF ADMINISTRATIVE COMMITTEE

AMENDMENTS TO THE MEDICAL STAFF BYLAWS (contd)

AMENDED BYLAWS (contd)

WILL BE COMMUNICATED BY THE MEDICAL DIRECTOR, ALONG WITH THE RECOMMENDATION OF THE MEDICAL DIRECTOR TO THE PROFESSIONAL AFFAIRS, RESEARCH, AND EDUCATION COMMITTEE OF THE UNIVERSITY HOSPITALS BOARD AND THEREAFTER TO THE UNIVERSITY HOSPITALS BOARD. AN ADVERSE RECOMMENDATION BY THE MEDICAL STAFF ADMINISTRATIVE COMMITTEE WILL ENTITLE THE AFFECTED MEDICAL STAFF MEMBER TO THE HEARING PROCEDURES OF RULE 3335-43-06 OF THE ADMINISTRATIVE CODE.

- (2) Special privileges: Under special circumstances privileges at the university hospitals may be granted to a doctor of medicine, osteopathic medicine, dental surgery, and to a practitioner of PSYCHOLOGY OR podiatry by the CHIEF OF THE clinical department chief or his THE CHIEF'S designee in WITH THE PRIOR concurrence with OF the medical director. The extent of privileges will be governed by the applicant's training and experience and will be in keeping with clinical department guidelines. THE DURATION OF PRIVILEGES WILL BE DETERMINED BY THE MEDICAL DIRECTOR. THE GRANTING AND DELINEATION OF PRIVILEGES SHALL BE CONSISTENT WITH THE APPLICATION PROCEDURES FOR CLINICAL PRIVILEGES SET FORTH IN THESE MEDICAL STAFF BYLAWS.

SPECIAL PRIVILEGES MAY BE EXTENDED UPON THE RECOMMENDATION OF THE CHIEF OF THE CLINICAL DEPARTMENT, WITH PRIOR CONCURRENCE OF THE MEDICAL DIRECTOR, FOR MEMBERS OF THE LIMITED STAFF WHO ARE NOT EMPLOYED BY THE OHIO STATE UNIVERSITY, TO PERMIT THEM TO SATISFY APPROVED GRADUATE MEDICAL EDUCATION CLINICAL ROTATIONS OF ONE HUNDRED TWENTY (120) DAYS OR LESS AT THE OHIO STATE UNIVERSITY HOSPITALS. IN SUCH CASES, THE MANDATORY REQUIREMENT FOR A FACULTY APPOINTMENT MAY BE WAIVED. ALL OTHER REQUIREMENTS FOR SPECIAL PRIVILEGES MUST BE SATISFIED.

- (3) SPECIAL PRIVILEGES WILL BE EXTENDED TO VISITING MEDICAL FACULTY OR FOR SPECIAL ACTIVITY AS PROVIDED BY THE STATE MEDICAL OR DENTAL BOARD.

~~(3)~~

- (4) Podiatric privileges:

(a) and (b) unchanged.

- (5) PSYCHOLOGY PRIVILEGES.

(a) PSYCHOLOGISTS SHALL BE GRANTED CLINICAL PRIVILEGES BASED UPON THEIR TRAINING, EXPERIENCE AND DEMONSTRATED COMPETENCE AND JUDGMENT CONSISTENT WITH THEIR LICENSE TO PRACTICE. THEY WILL NOT PRESCRIBE DRUGS, OR PERFORM SURGICAL PROCEDURES, OR IN ANY OTHER WAY PRACTICE OUTSIDE THE AREA OF THEIR APPROVED CLINICAL PRIVILEGES OR EXPERTISE.

(b) PSYCHOLOGISTS MAY NOT ADMIT PATIENTS TO UNIVERSITY HOSPITALS. IN INPATIENT SETTINGS THEY MAY DIAGNOSE AND

AMENDMENTS TO THE MEDICAL STAFF BYLAWS (contd)

AMENDED BYLAWS (contd)

TREAT A PATIENT'S PSYCHOLOGICAL ILLNESS AS PART OF THE PATIENT'S COMPREHENSIVE CARE. ALL PATIENTS ADMITTED FOR PSYCHOLOGICAL CARE SHALL RECEIVE THE SAME MEDICAL APPRAISAL AS ALL OTHER HOSPITALIZED PATIENTS. A MEMBER OF THE MEDICAL STAFF WHO IS A DOCTOR OF MEDICINE OR OSTEOPATHIC MEDICINE SHALL ADMIT THE PATIENT AND BE RESPONSIBLE FOR THE HISTORY AND PHYSICAL AND ANY MEDICAL CARE THAT MAY BE REQUIRED DURING THE HOSPITALIZATION, AND SHALL DETERMINE THE APPROPRIATENESS OF ANY PSYCHOLOGICAL THERAPY ON THE TOTAL HEALTH STATUS OF THE PATIENT. PSYCHOLOGISTS MAY PROVIDE CONSULTATION WITHIN THEIR AREA OF EXPERTISE ON THE CARE OF PATIENTS WITHIN UNIVERSITY HOSPITALS.

IN OUTPATIENT SETTINGS THEY WILL DIAGNOSE AND TREAT THEIR PATIENTS PSYCHOLOGICAL ILLNESS. THEY WILL ENSURE THAT THEIR PATIENTS RECEIVE REFERRAL FOR APPROPRIATE MEDICAL CARE.

(c) PSYCHOLOGISTS WILL BE RESPONSIBLE TO THE CHIEF OF THE CLINICAL DEPARTMENT IN WHICH THEY ARE APPOINTED.

~~(4)~~

(6)

Associates to the medical staff privileges: Other health care professionals who are duly licensed in the state of Ohio and who are members of the faculty of the Ohio state university college of medicine may be granted clinical privileges to provide specified patient care services under the supervision or direction of a physician member of the medical staff. Such professionals must apply for privileges in the same manner as provided in rule 3335-43-04 of the Administrative Code and this rule for medical staff membership and clinical privileges. Each person granted privileges must be assigned to a clinical department appropriate to ~~his~~ THE ASSOCIATE'S professional training and will be responsible to the chief of the clinical department for ~~his~~ ALL activities. The medical staff administrative committee may establish particular qualifications required of members of a specific health care profession, provided that such qualifications are not founded on arbitrary or discriminatory basis and are in conformance with applicable law. No other section of the medical staff bylaws, including the appeals mechanism, applies to these individuals.

~~(5)~~

(7)

A physician may employ or utilize the services of a professional assistant in the administration of patient care if this assistant has a defined job description, has received credentials review and approval by the appropriate hospital reviewing body, and is operating within existing hospital standards, policies, and procedures. The physician will be responsible for all patient care activities performed on ~~his/her~~ THE PHYSICIAN'S behalf.

3335-43-08 Organization of medical staff of the Ohio state university hospitals into clinical departments and divisions.

(A) Unchanged.

(B) Names of clinical departments and divisions.

AMENDMENTS TO THE MEDICAL STAFF BYLAWS (contd)

AMENDED BYLAWS (contd)

(1) Anesthesiology

(2) EMERGENCY MEDICINE

~~(2)~~

(3) Family medicine

~~(3)~~

(4) Internal medicine. The following divisions are designated:

Allergy
Bone marrow transplantation
Cardiology
Community internal medicine
Dermatology
Endocrinology and metabolism
Gastroenterology
General medicine
Hematology and oncology
Infectious diseases
Nephrology
Pulmonary
Rheumatology - immunology

~~(4)~~

(5) Neurology

~~(5)~~

(6) Obstetrics and gynecology. The following divisions are designated:

General obstetrics and gynecology
Maternal - fetal medicine
Gynecologic oncology
Endocrinology - infertility

~~(6)~~

(7) Ophthalmology

~~(7)~~

(8) Otorhinolaryngology

~~(8)~~

(9) Pathology

~~(9)~~

(10) Pediatrics. The following divisions are designated:

Ambulatory pediatrics
Adolescent medicine
Allergy
Biochemical disorders
Cardiology
Clinical genetics
Dermatology
Endocrinology/metabolism

AMENDMENTS TO THE MEDICAL STAFF BYLAWS (contd)

AMENDED BYLAWS (contd)

Gastroenterology
General pediatrics
Handicapped child
Hematology/oncology
Infectious diseases
Neonatology
Nephrology
Neurology
Nutrition
Pediatric education/research and evaluation
Pharmacology/toxicology
Psychology
Pulmonary

~~(10)~~

(11) Physical medicine and rehabilitation

~~(11)~~

(12) Preventive medicine. ~~The following divisions are designated:~~

~~Preventive medicine
Emergency medicine
Sports medicine~~

~~(12)~~

(13) Psychiatry. The following divisions are designated:

General psychiatry
Child Psychiatry
Sleep disorders medicine

~~(13)~~

(14) Radiology. The following divisions are designated:

Diagnostic radiology
Nuclear medicine
Radiation oncology

~~(14)~~

(15) Surgery. The following divisions are designated:

General surgery
Neurologic surgery
Orthopedic surgery
Pediatric surgery
Plastic surgery
Surgical oncology
Thoracic and cardiovascular surgery
Transplant
Urologic surgery
Vascular

AMENDMENTS TO THE MEDICAL STAFF BYLAWS (contd)

AMENDED BYLAWS (contd)

~~(15)~~

(16) Dentistry. The following divisions are designated:

General dentistry
Oral surgery

- (C) ~~The chairmen of the departments in the colleges of medicine and dentistry or their designees will be chiefs of the respective departments in the university hospitals. The chiefs of the divisions in the hospitals will be appointed by the chiefs of the CLINICAL departments in the hospitals in which the divisions are included. Clinical divisions may be added or deleted upon the recommendation of the CLINICAL department chief with the concurrence of a majority of the medical staff administrative committee.~~

- (D) Qualifications and responsibilities of the CHIEF OF THE clinical department ~~chairman~~.

The academic department ~~chairman~~ CHAIRPERSON will ordinarily serve also as the CHIEF OF THE clinical department ~~chairman~~. Each clinical department ~~chairman~~ CHIEF shall be qualified by education and experience appropriate to the discharge of the responsibilities of the position. Such qualification shall be judged appropriate by the respective dean of the college of medicine or dentistry. Qualifications for CHIEF OF THE CLINICAL department ~~chairman~~ generally shall include: recognized clinical competence, sound judgment and well-developed administrative skills.

- (1) Procedure for appointment of THE CHIEF OF THE clinical department ~~chairman~~.

~~(a)~~ Appointment of CHIEF OF THE clinical department ~~chairman~~ will be made by the dean of the respective college in consultation with elected representatives of the medical staff and the medical director.

- (2) Term of appointment of THE CHIEF OF THE clinical department ~~chairman~~.

~~(a)~~ The term of appointment of THE CHIEF OF THE clinical department ~~chairman~~ will be concurrent with ~~his~~ THE CHIEF'S academic appointment and be no longer than four years. Prior to the end of ~~his~~ SAID term, a review will be conducted and will serve as the basis for the recommendation for reappointment. Procedure will be as outlined in paragraph (D)(1) of this rule.

- (3) Duties of the CHIEF OF THE CLINICAL department ~~chairman~~.

Each clinical department ~~chairman~~ CHIEF shall

(a) Be accountable for all CLINICAL professional and administrative activities within the clinical department.

(b) and (c) unchanged.

(d) Make recommendations to the ~~medical staff~~ CREDENTIALS COMMITTEE regarding the criteria for MEMBERSHIP ON THE MEDICAL STAFF AND FOR THE DELINEATION OF clinical privileges in the CLINICAL department.

AMENDMENTS TO THE MEDICAL STAFF BYLAWS (contd)

AMENDED BYLAWS (contd)

- (e) ~~Each calendar year, by April 1,~~ AS REQUIRED BY THE MEDICAL STAFF BYLAWS the chairman CHIEF of each clinical department shall review the clinical performance including the physical and mental health of all MEDICAL STAFF members ~~of the active staff~~ of the clinical department INCLUDING THE PROVISIONS OF PARAGRAPH (F)(2) OF RULE 3335-43-04 OF THE ADMINISTRATIVE CODE. On the basis of this review, the ~~chairman~~ CHIEF will make recommendations for REAPPOINTMENT TO THE MEDICAL STAFF AND FOR clinical privileges for each MEDICAL STAFF member ~~of his~~ WITH AN APPOINTMENT IN THE CLINICAL department TO THE CREDENTIALS COMMITTEE.
- (f) Unchanged.
- (g) Assure that the quality and the appropriateness of patient care within the CLINICAL department is monitored and evaluated according to departmental and hospital quality assurance criteria.
- (h) MAKE RECOMMENDATIONS, AT LEAST ANNUALLY, TO THE MEDICAL DIRECTOR ON THE SPACE AND RESOURCE NEEDS OF THE CLINICAL DEPARTMENT, INCLUDING OFF-SITE SPACE AND RESOURCES NEEDED FOR PATIENT CARE WHICH IS NOT CURRENTLY AVAILABLE.
- ~~(h)~~
- (i) Each clinical department will hold monthly meetings. The agenda for the meetings will include, but not be limited to a discussion of the clinical activities of the department. Minutes of departmental meetings, including a record of attendance, will be kept in the departmental and the medical director's office. Greater than fifty per cent unexcused absence from departmental meetings could serve as the basis for a recommendation of non-reappointment to the medical staff.

3335-43-09 Elected officers of the medical staff of the Ohio state university hospitals.

(A) Chief of staff.

The chief of staff shall:

(1) through (3) unchanged.

(4) Serve as liaison between university hospitals administration, medical administration, and the medical staff in all matters of mutual concern within the hospitals. IN CONSULTATION WITH THE MEDICAL DIRECTOR, SEEK TO ENSURE THAT THE MEDICAL STAFF IS REPRESENTED AND PARTICIPATES AS APPROPRIATE IN ANY HOSPITAL DELIBERATION WHICH AFFECTS THE DISCHARGE OF MEDICAL STAFF RESPONSIBILITIES.

(5) and (6) unchanged.

(7) Be ~~spokesman~~ SPOKESPERSON for the medical staff in its external professional and public relations.

(8) Unchanged.

AMENDMENTS TO THE MEDICAL STAFF BYLAWS (contd)

AMENDED BYLAWS (contd)

(B) Chief of staff-elect.

The chief of staff-elect shall:

- (1) Serve on those committees of the Ohio state university hospitals board as appointed by the ~~chairman~~ CHAIRPERSON of the board.

(2) through (4) unchanged.

(C) and (D) unchanged.

(E) Election of officers.

- (1) All officers (other than at-large officers) will be elected by a majority of those voting by written ballot of the attending staff ~~after the quarterly meeting of the medical staff in March~~ AT A MEETING SCHEDULED FOR THAT PURPOSE.

- (2) The nominating committee will be composed of five members. The chief of staff and the chief of staff-elect will serve on the committee and the chief of staff-elect will be its chairperson. The three other members of the committee will be nominated from the floor and elected, by a plurality upon written ballot, ~~following the quarterly~~ AT A meeting ~~of the medical staff in September~~ SCHEDULED FOR THAT PURPOSE.

- (3) Unchanged.

- (4) Nominations for officers will be accepted from the floor ~~at the March meeting~~.

- (5) Unchanged.

- (6) An officer may be removed from the elected position by a majority vote upon written ballot of the attending staff following a regularly scheduled ~~quarterly~~ meeting.

(F) Term of office.

- (1) The chief of staff and chief of staff-elect will each serve two years in office beginning on the first of July. The chief of staff-elect will be elected in the odd years. The chief of staff may not be elected chief of staff-elect within one year of the end of ~~his~~ THE CHIEF OF STAFF'S term in office.

- (2) Unchanged.

(G) Vacancies in office.

- (1) Vacancies in the office of chief of staff during ~~his~~ THE term will be automatically succeeded and performed by the chief of staff-elect. When the unexpired term is one year or less, the new chief of staff will continue in office until the completion of ~~his~~ OR HER expected term in that office. When the unexpired term is more than one year, the new chief of staff will serve until the end of the term of the chief of staff ~~he~~ OR SHE replaced.

AMENDMENTS TO THE MEDICAL STAFF BYLAWS (contd)

AMENDED BYLAWS (contd)

(2) and (3) unchanged.

3335-43-10 Administration of the medical staff of the Ohio state university hospitals.

MEDICAL DIRECTOR.

(A) THE MEDICAL DIRECTOR SHALL BE A PHYSICIAN AND SHALL BE A MEMBER OF THE ATTENDING MEDICAL STAFF AT THE OHIO STATE UNIVERSITY HOSPITALS.

THE APPOINTMENT, SCOPE OF AUTHORITY, AND RESPONSIBILITIES OF THE MEDICAL DIRECTOR SHALL BE AS OUTLINED IN THE OHIO STATE UNIVERSITY HOSPITALS BOARD BYLAWS.

Medical staff committees.

~~(A)~~

(B) Appointments: Appointments to all medical staff committees except the medical staff administrative committee and the nominating committee will be made jointly by the chief of staff, chief of staff-elect, and the medical director with consultation with the executive director of the hospitals and approved by the dean of the college of medicine and the university hospitals board. UNLESS OTHERWISE PROVIDED BY THE BYLAWS, ALL APPOINTMENTS TO MEDICAL STAFF COMMITTEES ARE FOR ONE YEAR AND MAY BE RENEWED. THE CHIEF OF STAFF, MEDICAL DIRECTOR, AND THE EXECUTIVE DIRECTOR OF THE HOSPITALS MAY SERVE ON ANY MEDICAL STAFF COMMITTEE AS AN EX OFFICIO MEMBER WITHOUT VOTE.

(C) MEETINGS: EACH MEDICAL STAFF COMMITTEE WILL MEET AT THE CALL OF ITS CHAIRPERSON AND AT LEAST QUARTERLY. COMMITTEES MUST MAINTAIN RECORDS OF PROCEEDINGS AND MINUTES OF MEETINGS AND SHALL FORWARD ALL RECOMMENDATIONS AND ACTIONS TAKEN TO THE MEDICAL DIRECTOR WHO SHALL PROMPTLY COMMUNICATE THEM TO THE MEDICAL STAFF ADMINISTRATIVE COMMITTEE. THE CHAIRPERSON SHALL CONTROL THE COMMITTEE AGENDA, ATTENDANCE OF STAFF AND GUESTS, AND CONDUCT OF THE PROCEEDINGS. A SIMPLE MAJORITY OF APPOINTED VOTING MEMBERS SHALL CONSTITUTE A QUORUM.

~~(B)~~

(D) Medical staff administrative committee:

(1) Composition

(a) THIS COMMITTEE SHALL CONSIST OF THE Chief CHIEF of staff, chief of staff-elect, chiefs of the clinical departments, three medical attending staff representatives elected at large, the medical director, and the executive director of the hospitals. The medical director will be the chairman CHAIRPERSON and the chief of staff will be vice-chairman CHAIRPERSON.

(b) Any member of the committee who anticipates absence from a meeting of the committee may appoint a temporary substitute to represent him OR HER at the meeting. The temporary substitute will have all the rights of the absent member. The executive director may invite any member of his THE EXECUTIVE DIRECTOR'S staff to represent him OR HER at a meeting or to attend any meeting with him.

AMENDMENTS TO THE MEDICAL STAFF BYLAWS (contd)

AMENDED BYLAWS (contd)

- (2) Duties.
- (a) through (e) unchanged.
- (f) To fulfill the medical staff's accountability to the university hospitals board and the board of trustees of the Ohio state university for medical care rendered to patients in the university hospitals, AND FOR THE PROFESSIONAL CONDUCT AND ACTIVITIES OF THE MEDICAL STAFF, INCLUDING RECOMMENDATIONS CONCERNING CORRECTIVE ACTION AND HEARING PROCEDURES ON MEDICAL STAFF MEMBERS.
- (g) Unchanged.
- (h) To review and act on medical staff appointments, and reappointments, AND REQUESTS FOR DELINEATION OF CLINICAL PRIVILEGES.
- (i) through (m) Unchanged.
- (3) Meetings. The committee shall meet monthly and keep detailed minutes which shall be distributed to each committee member and to the university hospitals board through the ~~joint conference~~ PROFESSIONAL AFFAIRS, EDUCATION, AND RESEARCH committee.

~~(G)~~
(E)

Credentials committee:

- (1) Composition: The committee shall be composed of ~~six (6)~~ NINE (9) members of the medical staff. Appointments to the committee shall be in accordance with ~~section 3335-43-10~~ PARAGRAPH (A)(1) OF THIS RULE. The ~~chairman~~ CHAIRPERSON of the committee shall be appointed by the medical director and the chief of staff.
- (2) Duties:
- ~~(a)~~ The committee shall meet quarterly or as often as necessary to consider applications for medical staff appointments.
- ~~(b)~~
(a) Upon FOLLOWING the recommendation of the ~~chairman~~ CHIEF OF THE CLINICAL DEPARTMENT, the committee will receive, through the office of the medical director, all applications for medical staff appointment AND REAPPOINTMENT, AND RECEIVE ALL REQUESTS FOR DELINEATION, RENEWAL, OR AMENDMENT OF CLINICAL PRIVILEGES.
- ~~(c)~~
(b) The CHIEF OF THE CLINICAL department ~~chairman~~ will assure that the ~~application~~ REQUESTS AND APPLICATIONS ~~includes~~ INCLUDE letters of reference from medical school, internship and residency, other post-graduate experiences, and that reference audits have been completed. THE CHIEF OF THE CLINICAL DEPARTMENT WILL ASSURE THAT THE APPLICANT MEETS THE CRITERIA FOR MEMBERSHIP AND FOR CLINICAL PRIVILEGES SET FORTH IN THE MEDICAL STAFF BYLAWS.

AMENDMENTS TO THE MEDICAL STAFF BYLAWS (contd)

AMENDED BYLAWS (contd)

THIS REVIEW SHALL BE SUBMITTED BY THE CHIEF OF THE CLINICAL DEPARTMENT TO THE COMMITTEE WITHIN SIXTY DAYS OF RECEIPT OF THE SIGNED AND COMPLETED APPLICATION OR REQUEST.

~~(d)~~

(c)

The committee will review all applications for medical staff appointments as well as applications APPOINTMENT AND REAPPOINTMENT, AS WELL AS ALL REQUESTS for DELINEATION, renewal, of the OR AMENDMENT OF CLINICAL PRIVILEGES IN THE MANNER PROVIDED IN THESE medical staff appointment BYLAWS, INCLUDING APPLICABLE TIME LIMITS.

~~(e)~~

(d)

Renewal applications will be reviewed biennially unless a change in appointment or privileges is recommended by OTHERWISE RECEIVED FROM the chairman CHIEF OF THE CLINICAL DEPARTMENT.

~~(f)~~

(e)

Provisional appointments to the medical staff will be reviewed by the credentials committee after six (6) months and with the recommendation of the CHIEF OF THE CLINICAL department chairman.

(f)

It will be the responsibility of the chairman CHAIRPERSON of the committee to assure that all records OF PEER REVIEW ACTIVITY TAKEN BY THE COMMITTEE, INCLUDING COMMITTEE MINUTES AND are handled and kept with utmost confidentiality. THE COMMITTEE MAY CONDUCT INVESTIGATIONS AND INTERVIEW APPLICANTS AS NEEDED TO DISCHARGE ITS DUTIES. THE COMMITTEE MAY REFER ISSUES AND RECEIVE ISSUES AS APPROPRIATE FROM OTHER MEDICAL STAFF COMMITTEES.

(g)

The committee will make its recommendation to the medical staff administrative committee through the office of the medical director. Applications AND REQUESTS referred to the medical staff administrative committee will have the following information: name, status, department (division), medical school and year of graduation, residency and fellowships, medical-related employment since graduation, board certification and recertification, licensure status AS WELL AS ALL OTHER RELEVANT INFORMATION CONCERNING THE APPLICANT'S COMPETENCE AND QUALIFICATIONS.

(h)

The credentials committee or the medical director may request the medical staff administrative committee to consider certain applications in executive session.

(i)

Following the THE recommendation of the medical staff administrative committee the appointment procedure will be completed according to section 3335-43-04 (E)(2), (3), (4) AFTER REVIEW AND INVESTIGATION OF MATTERS RELATED TO ITS RESPONSIBILITIES, MAY MAKE RECOMMENDATIONS TO THE MEDICAL DIRECTOR, CHIEF OF STAFF, OR THE CHIEF OF A CLINICAL DEPARTMENT, REQUESTING THE RESTRICTION OR LIMITATION OF ANY MEMBER OF THE

AMENDMENTS TO THE MEDICAL STAFF BYLAWS (contd)

AMENDED BYLAWS (contd)

MEDICAL STAFF'S CLINICAL PRIVILEGES, FOR NONCOMPLIANCE WITH THE CREDENTIALING PROCESS. THE COMMITTEE WILL REVIEW ALL GRANTS OF SPECIAL OR TEMPORARY PRIVILEGES AND WILL REVIEW CLINICAL PRIVILEGES FOR ASSOCIATES TO THE MEDICAL STAFF AS WELL AS PHYSICIANS ASSISTANTS.

~~(D)~~

(F)

Committee for physician health:

(1) Composition

~~(a) Five (5)~~ THE COMMITTEE SHALL CONSIST OF SEVEN (7) medical staff members APPOINTED PURSUANT TO THESE BYLAWS.

~~(b) Reappointed annually for terms up to three (3) years.~~

(2) Duties

(a) To consider issues of physician health or impairment when requested to do so by the physician or another member OR COMMITTEE of the medical staff, hospital staff, or any other individual.

(b) through (d) unchanged.

(e) It will be the responsibility of the ~~chairman~~ CHAIRPERSON of the committee to assure that all proceedings and records are handled and kept with utmost confidentiality.

~~(3) Meetings. Quarterly or as often as needed.~~

(G)

BYLAWS COMMITTEE:

(1) COMPOSITION

THE COMMITTEE SHALL CONSIST OF THOSE MEMBERS APPOINTED AS PROVIDED IN THE MEDICAL STAFF BYLAWS. THE CHAIRPERSON WILL ALWAYS BE THE CHIEF OF STAFF-ELECT.

(2) DUTIES

(a) TO REVIEW AND RECOMMEND AMENDMENTS, AS APPROPRIATE, TO THE MEDICAL STAFF BYLAWS AT LEAST EVERY TWO YEARS.

(b) TO RECEIVE FROM MEMBERS OF THE MEDICAL STAFF OR THE MEDICAL STAFF ADMINISTRATIVE COMMITTEE ANY SUGGESTIONS THAT MAY NECESSITATE AMENDMENT OF THE BYLAWS.

AMENDMENTS TO THE MEDICAL STAFF BYLAWS (contd)

AMENDED BYLAWS (contd)

(H) INFECTION CONTROL COMMITTEE:

(1) COMPOSITION

THE COMMITTEE SHALL CONSIST OF THOSE MEDICAL STAFF MEMBERS APPOINTED PURSUANT TO THE MEDICAL STAFF BYLAWS AND SHALL ALSO INCLUDE REPRESENTATION OF NURSING, ENVIRONMENTAL SERVICES, AND HOSPITAL ADMINISTRATION. THE CHAIRPERSON WILL BE A PHYSICIAN WITH EXPERIENCE AND/OR TRAINING IN INFECTIOUS DISEASES.

(2) DUTIES

(a) TO DEFINE, SURVEY, CORRELATE, REVIEW, EVALUATE, REVISE AND INSTITUTE ANY RECOMMENDATIONS NECESSARY FOR THE IDENTIFICATION, PREVENTION, CONTAINMENT AND INVESTIGATION OF ENVIRONMENTAL AND INFECTIOUS DISEASES AT ALL FACILITIES OWNED, OPERATED, OR CONTROLLED BY THE OHIO STATE UNIVERSITY HOSPITALS.

(b) THE CHAIRPERSON OF THE COMMITTEE, IN CONSULTATION WITH THE MEDICAL DIRECTOR OF UNIVERSITY HOSPITALS, WILL TAKE NECESSARY ACTIONS TO PREVENT AND CONTROL EMERGING SPREAD OR OUTBREAKS OF INFECTIONS; ISOLATE COMMUNICABLE AND INFECTIOUS PATIENTS AS INDICATED; AND OBTAIN ALL NECESSARY CULTURES IN EMERGENT SITUATIONS WHEN THE RESPONSIBLE MEDICAL STAFF MEMBER IS UNAVAILABLE.

(I) ETHICS COMMITTEE:

(1) COMPOSITION

THE COMMITTEE SHALL CONSIST OF MEMBERS OF THE MEDICAL STAFF, NURSING, HOSPITAL ADMINISTRATION, AND OTHER PERSONS WHO BY REASON OF TRAINING, VOCATION, OR INTEREST MAY MAKE A CONTRIBUTION. APPOINTMENTS WILL BE MADE AS PROVIDED IN THESE BYLAWS. THE CHAIRPERSON SHALL BE A PHYSICIAN WHO IS A CLINICALLY ACTIVE MEMBER OF THE MEDICAL STAFF.

(2) DUTIES

(a) TO MAKE RECOMMENDATIONS FOR THE DEVELOPMENT OF GUIDELINES OR POLICIES REGARDING ETHICAL ISSUES.

(b) TO PROVIDE ETHICAL GUIDELINES AND INFORMATION IN RESPONSE TO REQUESTS FROM MEMBERS OF THE MEDICAL STAFF, PATIENTS, PATIENT'S FAMILY OR OTHER REPRESENTATIVE, AND STAFF MEMBERS OF UNIVERSITY HOSPITALS.

(c) TO PROVIDE A SUPPORT MECHANISM FOR PRIMARY DECISION MAKERS AT THE HOSPITALS.

AMENDMENTS TO THE MEDICAL STAFF BYLAWS (contd)

AMENDED BYLAWS (contd)

- (d) TO PROVIDE EDUCATIONAL RESOURCES ON ETHICS TO ALL HEALTH CARE PROVIDERS AT THE HOSPITALS.
- (e) TO PROVIDE AND ENHANCE INTERACTION BETWEEN HOSPITALS ADMINISTRATION AND STAFF, DEPARTMENTAL ETHICS COMMITTEES, PASTORAL CARE SERVICES, AND MEMBERS OF THE MEDICAL STAFF.

(J) MEDICAL RECORDS COMMITTEE:

(1) COMPOSITION

THE COMMITTEE SHALL BE APPOINTED IN ACCORDANCE WITH THESE BYLAWS, AND CONSIST OF A MAJORITY OF MEMBERS OF THE MEDICAL STAFF TOGETHER WITH REPRESENTATION FROM NURSING, MEDICAL RECORDS ADMINISTRATION, AND HOSPITALS ADMINISTRATION.

(2) DUTIES

- (a) TO REVIEW, ANALYZE, AND EVALUATE THE MEDICAL RECORDS SYSTEM TO ASSURE THE FORM AND CONTENT THEREOF SATISFY PREVAILING ACCREDITATION STANDARDS, LEGAL CONCERNS, HOSPITAL POLICY, AND REIMBURSEMENT REQUIREMENTS.
- (b) TO ADVISE ON THE DEVELOPMENT OF POLICIES PERTAINING TO CLINICAL INFORMATION SYSTEMS AND MEDICAL RECORDS SYSTEMS SO AS TO ACHIEVE AND ENHANCE EFFICIENCY AND EFFECTIVENESS.
- (c) REVIEW THE QUALITY OF MEDICAL RECORDS FOR CLINICAL PERTINENCE AND TIMELY COMPLETION.
- (d) ASSURE THAT EACH MEDICAL RECORD OR A REPRESENTATIVE SAMPLE OF RECORDS REFLECT THE DIAGNOSIS, RESULTS OF DIAGNOSTIC TESTS, THERAPY GIVEN, THE CONDITION AND IN-HOSPITAL PROGRESS OF THE PATIENT, CONDITION OF THE PATIENT AT DISCHARGE, THE IDENTITY OF HEALTH CARE PROVIDERS AND THAT THE FOREGOING INFORMATION IS COMPLETED IN THE MEDICAL RECORDS ON A TIMELY BASIS.
- (e) REVIEW ALL MEDICAL RECORD FORMS AND RECOMMEND THEIR USE, IMPROVEMENT OR ALTERATION.
- (f) ASSURE MAINTENANCE OF COMPLETE, ACCURATE MEDICAL RECORDS IN COMPLIANCE WITH REQUIREMENTS OF THE QUALITY ASSURANCE AND UTILIZATION MANAGEMENT COMMITTEE, STATE AND FEDERAL GOVERNMENTAL AGENCIES, ACCREDITATION BODIES, AND PURCHASERS OF CARE.
- (g) REVIEW PROCEDURES FOR THE SAFE GUARDING AND RETENTION OF MEDICAL RECORDS AGAINST LOSS, SPOILATION, TAMPERING, OR USE BY UNAUTHORIZED PERSONS AND MAKE RECOMMENDATIONS THEREON.

AMENDMENTS TO THE MEDICAL STAFF BYLAWS (contd)

AMENDED BYLAWS (contd)

(K) PHARMACY AND THERAPEUTICS AND DRUG UTILIZATION COMMITTEE:

(1) COMPOSITION

THE COMMITTEE SHALL BE APPOINTED IN CONFORMITY WITH THESE BYLAWS AND SHALL CONSIST OF A MAJORITY OF MEMBERS OF THE MEDICAL STAFF, TOGETHER WITH REPRESENTATION OF THE DEPARTMENT OF PHARMACY, NURSING, AND HOSPITALS ADMINISTRATION.

(2) DUTIES

(a) PROVIDE THE MEDICAL AND HOSPITALS STAFF WITH INFORMATION AND ADVICE CONCERNING THE PROPER USE OF DRUGS AND RELATED PRODUCTS. MONITOR AND EVALUATE THOSE DRUGS WHICH ARE MOST PRESCRIBED, KNOWN TO PRESENT PROBLEMS OR RISKS TO PATIENTS, AND WHICH CONSTITUTE A CRITICAL PART OF A PATIENT'S SPECIFIC DIAGNOSIS, CONDITION OR PROCEDURE.

(b) CONSIDER THE WELFARE OF PATIENTS AS WELL AS EDUCATION, RESEARCH AND ECONOMIC FACTORS WHEN ANALYZING THE UTILIZATION OF DRUGS AND RELATED PRODUCTS.

(c) REVIEW PERIODICALLY THE CLINICAL USE OF ANTIBIOTICS, AND MAKE RECOMMENDATIONS FOR THEIR USE.

(d) ADVISE ON ADDITIONS AND DELETIONS TO THE HOSPITALS FORMULARY.

(e) ADVISE ON THE USE AND CONTROL OF EXPERIMENTAL DRUGS.

(f) CREATE SUB-COMMITTEES, AS FOLLOWS: PHARMACY AND THERAPEUTIC AND DRUG UTILIZATION EXECUTIVE SUB-COMMITTEE; POLICY AND SURVEILLANCE SUB-COMMITTEE; FORMULARY SUB-COMMITTEE; ANTIBIOTIC USAGE SUB-COMMITTEE; AND THE THERAPEUTIC DRUG MONITORING SUB-COMMITTEE.

(g) THE THERAPEUTIC DRUG UTILIZATION MONITORING SUB-COMMITTEE SHALL:

(i) ESTABLISH METHODS BY WHICH SERUM BLOOD LEVELS MAY BE USED TO IMPROVE THE THERAPEUTIC ACTIVITY OF DRUGS.

(ii) ESTABLISH PROGRAMS TO EDUCATE HEALTH CARE PROVIDERS TO THE APPROPRIATE METHODS OF MONITORING THE THERAPEUTIC EFFECT IN DRUGS VIA SERUM DRUG ASSAYS.

(iii) PROVIDE GUIDANCE TO THE THERAPEUTIC DRUG MONITORING SERVICE AT UNIVERSITY HOSPITALS.

AMENDMENTS TO THE MEDICAL STAFF BYLAWS (contd)

AMENDED BYLAWS (contd)

- (iv) RECOMMEND THE DEVELOPMENT OF POLICIES AND PROCEDURES TO THE PHARMACY AND THERAPEUTIC AND DRUG UTILIZATION EXECUTIVE SUB-COMMITTEE.

(L) TRANSFUSION AND IMMUNIZATION COMMITTEE:

(1) COMPOSITION

THE COMMITTEE SHALL BE APPOINTED PURSUANT TO THESE BYLAWS AND INCLUDE REPRESENTATION BY NURSING, THE TRANSFUSION SERVICE AND HOSPITALS ADMINISTRATION.

(2) DUTIES

- (a) EVALUATE THE APPROPRIATENESS OF ALL TRANSFUSIONS INCLUDING THE USE OF WHOLE BLOOD AND BLOOD PRODUCTS.
- (b) EVALUATE ALL CONFIRMED OR SUSPECTED TRANSFUSION REACTIONS.
- (c) DEVELOP AND RECOMMEND POLICIES AND PROCEDURES RELATING TO THE DISTRIBUTION, USE, HANDLING, AND ADMINISTRATION OF BLOOD AND BLOOD PRODUCTS TO THE MEDICAL STAFF ADMINISTRATIVE COMMITTEE.
- (d) REVIEW THE ADEQUACY OF TRANSFUSION SERVICES TO MEET PATIENT NEEDS.
- (e) REVIEW ORDERING PRACTICES FOR BLOOD AND BLOOD PRODUCTS.
- (f) PROVIDE A LIAISON BETWEEN HOSPITALS ADMINISTRATION, CLINICAL DEPARTMENTS, NURSING AND TRANSFUSION SERVICES.
- (g) DEVELOP AND MONITOR CLINICALLY VALID CRITERIA FOR SCREENING AND EVALUATING KNOWN OR SUSPECTED BLOOD USAGE CONCERNS.

(M) CLINICAL QUALITY AND RESOURCE MANAGEMENT COMMITTEE:

(1) COMPOSITION

THE COMMITTEE SHALL BE APPOINTED PURSUANT TO THESE BYLAWS, INCLUDING THE CHAIRPERSONS OF EACH CLINICAL DEPARTMENT CLINICAL QUALITY AND RESOURCE MANAGEMENT SUB-COMMITTEE, THE DIRECTOR OF CLINICAL QUALITY AND RESOURCE MANAGEMENT COMMITTEE, AND REPRESENTATION BY NURSING AND HOSPITALS ADMINISTRATION. THE CHAIRPERSON OF THE COMMITTEE WILL BE A PHYSICIAN.

AMENDMENTS TO THE MEDICAL STAFF BYLAWS (contd)

AMENDED BYLAWS (contd)

(2) DUTIES

- (a) COORDINATE THE QUALITY ASSURANCE RELATED ACTIVITIES OF THE CLINICAL DEPARTMENTS, MEDICAL RECORDS, UTILIZATION REVIEW, INFECTION CONTROL, PHARMACY AND THERAPEUTICS AND DRUG UTILIZATION COMMITTEE, TRANSFUSION AND IMMUNIZATION, AND OTHER MEDICAL STAFF AND HOSPITALS COMMITTEES.
- (b) ASSURE OPTIMAL COMPLIANCE WITH ACCREDITATION STANDARDS AND GOVERNMENTAL REGULATIONS CONCERNING PATIENT CARE AND UTILIZATION REVIEW, AS WELL AS ASSURE COMPLIANCE WITH THE UNIVERSITY HOSPITALS-WIDE MASTER PLAN FOR CLINICAL QUALITY AND RESOURCE MANAGEMENT REVIEW.
- (c) REVIEW, ANALYZE, AND EVALUATE ON A CONTINUING BASIS THE PERFORMANCE OF THE MEDICAL STAFF AND OTHER HEALTH CARE PROVIDERS; AND REVIEW, EVALUATE, MONITOR AND ADVISE THE CLINICAL DEPARTMENT CLINICAL QUALITY AND RESOURCE MANAGEMENT SUB-COMMITTEES IN FORMULATING STANDARDS OF CARE, MEASURES OF OUTCOMES OF CARE, AND THE FORMULATION OF CONSTRUCTIVE CORRECTIVE ACTION RECOMMENDATIONS.
- (d) SERVE AS LIAISON BETWEEN THE UNIVERSITY AND THE OHIO PEER REVIEW ORGANIZATIONS THROUGH THE CHAIRPERSON OF THE COMMITTEE AND THE DIRECTOR OF CLINICAL QUALITY AND RESOURCE MANAGEMENT.
- (e) MAKE RECOMMENDATIONS TO THE MEDICAL STAFF ADMINISTRATIVE COMMITTEE ON THE ESTABLISHMENT OF AND THE ADHERENCE TO STANDARDS OF CARE DESIGNED TO IMPROVE THE QUALITY OF PATIENT CARE DELIVERED IN UNIVERSITY HOSPITALS.
- (f) HEAR AND DETERMINE ISSUES CONCERNING THE QUALITY OF PATIENT CARE RENDERED BY MEMBERS OF THE MEDICAL STAFF AND HOSPITALS STAFF AND MAKE APPROPRIATE RECOMMENDATIONS FOR CORRECTIVE ACTION WHEN APPROPRIATE TO THE MEDICAL DIRECTOR, THE CHIEF OF A CLINICAL DEPARTMENT, OR HOSPITALS ADMINISTRATION.
- (g) REVIEW INTERDISCIPLINARY OR INTER-CLINICAL DEPARTMENT CONFLICTS AND MAKE RECOMMENDATIONS TO THE MEDICAL STAFF ADMINISTRATIVE COMMITTEE ON POLICIES TO REMEDY SUCH CONFLICTS OR TO IMPROVE SUCH INTERDEPARTMENTAL RELATIONSHIPS AS TO ENHANCE QUALITY PATIENT CARE.
- (h) ANNUALLY REVIEW AND REVISE AS NECESSARY THE HOSPITALS-WIDE CLINICAL QUALITY AND RESOURCE MANAGEMENT PROGRAM.

AMENDMENTS TO THE MEDICAL STAFF BYLAWS (contd)

AMENDED BYLAWS (contd)

- (i) APPOINT A RESOURCE MANAGEMENT REVIEW SUB-COMMITTEE WITH THE FOLLOWING RESPONSIBILITIES:
 - (i) PROMOTE THE MOST EFFICIENT USE OF HOSPITAL FACILITIES AND SERVICES BY COORDINATING THE CONDUCT OF ADMISSION REVIEW AND CONTINUED STAY REVIEWS ON ALL HOSPITALIZED PATIENTS.
 - (ii) FORMULATE AND MAINTAIN A WRITTEN RESOURCE MANAGEMENT REVIEW PLAN FOR HOSPITALS CONSISTENT WITH APPLICABLE GOVERNMENTAL REGULATIONS AND ACCREDITATION REQUIREMENTS.
 - (iii) CONDUCT RESOURCE MANAGEMENT STUDIES BY CLINICAL SERVICE OR BY DISEASE ENTITY AS REQUESTED.
 - (iv) REPORT AND RECOMMEND TO THE CLINICAL QUALITY AND RESOURCE MANAGEMENT COMMITTEE CHANGES IN CLINICAL PRACTICE PATTERNS IN COMPLIANCE WITH APPLICABLE GOVERNMENTAL REGULATIONS AND ACCREDITATION REQUIREMENTS, AND WHEN THE OPPORTUNITY EXISTS TO IMPROVE THE RESOURCE MANAGEMENT OF HOSPITAL FACILITIES OR SERVICES.

3335-43-11 Meetings and dues.

- (A) Unchanged.
- (B) Dues. The medical staff, by two-thirds vote of those in attendance at ~~the fall quarterly~~ A REGULARLY SCHEDULED meeting, may establish dues. Payment of dues is a requirement for staff membership.

3335-43-12 Amendments.

~~There will be a standing~~ THE bylaws committee ~~which~~ will review the bylaws and rules and regulations as need arises but not less than every two years. This committee will recommend changes to the medical staff administrative committee.

Balance unchanged.

3335-43-14 Rules of construction.

- (A) Unchanged.
- (B) ~~Use of the masculine gender in the text of these bylaws is not intended to connote any sexually discriminative intent.~~ These bylaws should be construed to be ~~sexually~~ GENDER neutral.

NOW THEREFORE

BE IT RESOLVED, That the foregoing amendments to the Medical Staff Bylaws be adopted as recommended by the University Hospitals Board.

AMENDMENTS TO THE MEDICAL STAFF BYLAWS (contd)

Upon motion of Mr. Skestos, seconded by Mr. Colley, the Board of Trustees adopted the foregoing resolution by unanimous voice vote.

--0--

EDUCATIONAL AFFAIRS COMMITTEE REPORT

Mr. Colley:

Madam Chair, the Educational Affairs Committee met this morning and discussed the proposal to establish a local board at the Newark Campus, which will be before this Board in February. We also received an update on the search for a new dean/director of the Newark Campus. At this time I would also like to present the following resolutions:

NAMING OF THE MAX M. FISHER COLLEGE OF BUSINESS

Resolution No. 94-68

Synopsis: Approval of the naming of The Ohio State University College of Business as The Max M. Fisher College of Business is proposed.

WHEREAS The Ohio State University intends to build a new \$67 million, multi-building complex for the College of Business replacing the facilities in Hagerty Hall and Page Hall; and

WHEREAS Max M. Fisher, a 1930 graduate of The Ohio State University College of Business, committed \$20 million to the College of Business, the largest gift ever received for an academic unit and the second largest in the University's history:

NOW THEREFORE

BE IT RESOLVED, That the College will henceforth be named The Max M. Fisher College of Business and that the main administration building in the new business complex will be named Max M. Fisher Hall in honor of Mr. Fisher.

Mr. Colley:

Before voting, Jerry May would like to present some remarks.

Mr. Jerry May:

Thank you very much, Mr. Colley. There are just a couple of things that I would like to add. First, this particular recommendation that is brought to you has the full endorsement of The Ohio State University Foundation Board. Congratulations also to Mr. Fisher for his vision and commitment in investing in Ohio State.

I would also like to point out to the Board that this gift is a result of the very significant efforts of a lot of individuals, but three people in particular: Dean Joe Alutto, President Gordon Gee, and Trustee Leslie Wexner. I think this goes to show what kind of things can happen at Ohio State University when people work together. So, I thank you all very much.

NAMING OF THE MAX M. FISHER COLLEGE OF BUSINESS (contd)

Upon motion of Mr. Colley, seconded by Mr. Wexner, the Board of Trustees adopted the foregoing resolution by unanimous voice vote.

--0--

AMENDMENTS TO THE RULES OF THE UNIVERSITY FACULTY

Resolution No. 94-69

Synopsis: The Educational Affairs Committee recommended the approval of amendments to rule 3335-5-04 of the Rules of the University Faculty.

WHEREAS the University Senate pursuant to rule 3335-1-09 of the Administrative Code is authorized to recommend through the President to the Board of Trustees the adoption of amendments to the Rules of the University Faculty as approved by the University Senate; and

WHEREAS the proposed changes in the Rules of the University Faculty were approved by the University Senate on November 6, 1993, as follows:

AMENDED RULE

3335-5-04 Hearing procedures for complaints against regular, regular clinical, and auxiliary faculty members.

(A) Definitions and construction.

- (1) This rule shall apply ~~only~~ to ALL FORMAL complaints against regular, regular clinical, and auxiliary faculty members. COMPLAINTS MAY BE FILED UNDER THIS RULE AGAINST ADMINISTRATORS WHO HOLD FACULTY APPOINTMENTS.
- (2) At all stages in proceedings under this rule department ~~chairpersons~~ CHAIRS, deans, or the senior vice president for academic affairs and provost (HEREINAFTER "PROVOST") will attempt, through the use of informal consultation, to resolve complaints to their satisfaction and that of the complainant, and the faculty member against whom the complaint is made (hereinafter "respondent").
- (3) Department ~~chairpersons~~ CHAIRS, deans, or the ~~senior vice president for academic affairs and provost~~ shall not act in their administrative capacities in the consideration of any complaint naming them as respondent. ~~In complaints naming~~ IF A COMPLAINT NAMES a department chairperson CHAIR or a dean as respondent, the senior vice president for academic affairs and provost shall appoint an equivalent rank administrator from another department or college to act in the stead of the chairperson or dean for the purposes of PERFORM THE RESPONSIBILITIES OF THE NAMED OFFICIAL UNDER this rule. In complaints naming the senior vice president for academic affairs and provost as respondent, the chairperson of the faculty hearing committee shall act in that administrator's stead. IF A COMPLAINT NAMES THE PROVOST AS RESPONDENT, THE CHAIR OF THE STEERING COMMITTEE OF THE UNIVERSITY SENATE SHALL PERFORM THE RESPONSIBILITIES OF THIS OFFICIAL UNDER THIS RULE.
- (4) ~~The faculty hearing committee is established by rule 3335-5-4810 of the Administrative Code.~~

AMENDMENTS TO THE RULES OF THE UNIVERSITY FACULTY (contd)

AMENDED RULE (contd)

ALL RECORDS OF PROCEEDINGS UNDER THIS RULE SHALL BE MAINTAINED IN THE OFFICE OF ACADEMIC AFFAIRS. SUCH RECORDS SHALL REMAIN CONFIDENTIAL TO THE EXTENT PERMITTED BY LAW.

- (5) ~~Records of proceedings under this rule shall be kept only in the administrative office wherein the proceedings terminate. With written permission of the respondent, such records shall be open to inspection by the ombudsperson, but may be inspected by others only with the written permission of the respondent and the administrative officer in charge of the office wherein the records in question are kept.~~ AT THE TIME OF THEIR INITIAL APPOINTMENT AND WHEN THEY RECEIVE THEIR ANNUAL REVIEW, FACULTY MEMBERS SHALL BE GIVEN NOTICE OF THEIR RIGHT TO REVIEW THEIR PERSONNEL FILE MAINTAINED BY THEIR TENURE INITIATING UNIT (HEREINAFTER "PRIMARY PERSONNEL FILE"). A MEMBER OF THE FACULTY MAY PLACE IN HIS OR HER PRIMARY PERSONNEL FILE A RESPONSE TO ANY EVALUATION, COMMENT OR OTHER MATERIAL CONTAINED IN THE FILE.
- (6) ~~Allegations of gross or serious incompetence (hereinafter "incompetence") shall be judged by reference to the qualities and conditions under which tenure is customarily established at this university, to wit: competence with respect to teaching, service, and research. Accordingly, gross or serious incompetence shall refer to a faculty member's failure to meet his defined faculty obligations.~~ DOCUMENTS RELATED TO THE PERFORMANCE OF A FACULTY MEMBER WHICH ARE RECEIVED BY HIS OR HER TENURE INITIATING UNIT PRIOR TO THE FILING OF A COMPLAINT MAY NOT BE INTRODUCED IN PROCEEDINGS UNDER THIS RULE UNLESS THEY HAVE BEEN PLACED IN THE FACULTY MEMBER'S PRIMARY PERSONNEL FILE, AND THE FACULTY MEMBER HAS BEEN SO INFORMED, OR COPIES HAVE OTHERWISE BEEN PROVIDED TO THE FACULTY MEMBER.
- (7) ~~In cases of presumed physical or mental disability, decisions to terminate a tenured appointment, or a non-tenured appointment before the end of the appointment, for medical reasons will be based upon clear and convincing medical evidence. A decision to terminate an appointment, to change the assigned duties of the faculty member, or to arrange retirement because of medical reasons will be reached only after there has been appropriate consultation and the faculty member or his representative has been informed of the basis for the proposed action, and has been afforded an opportunity to present the position of the faculty member and to respond to the evidence. If the faculty member so requests, the evidence will be reviewed by the faculty hearing committee before a final decision with regard to termination or retirement is made by the board of trustees upon the recommendation of the president of the university. A similar right shall be afforded to the faculty member before a permanent change in duties is instituted for medical reasons. This shall not, however, prohibit a temporary and immediate reassignment of duties where clear danger exists to the faculty member or the university because of physical or mental impairment.~~
- (8) ~~Complaints alleging grave misconduct shall refer only to activities that, if proved, seriously impair a faculty member's effectiveness in meeting his defined teaching, service, and research obligations.~~

AMENDMENTS TO THE RULES OF THE UNIVERSITY FACULTY (contd)

AMENDED RULE (contd)

- (9)
(7) The designation "~~department chairperson~~ CHAIR" in this rule includes ~~academic faculty chairperson~~, ~~division chairperson~~ CHAIR, and school director, DEANS OF COLLEGES WITHOUT DEPARTMENTS, AND REGIONAL CAMPUS DEANS AND DIRECTORS.
- (8) THE TERM "DAY" AS USED IN THIS RULE MEANS "CALENDAR DAY". IF THE LAST DAY OF A DESIGNATED TIME PERIOD FALLS ON A WEEKEND OR A DAY ON WHICH THE UNIVERSITY IS CLOSED, THE TIME PERIOD SHALL EXPIRE AT THE CLOSE OF BUSINESS ON THE NEXT SUCCEEDING BUSINESS DAY.
- (9) IF AT ANY TIME THE PROVOST DETERMINES THAT A FACULTY MEMBER POSES A CLEAR AND PRESENT DANGER TO PERSONS OR PROPERTY, THE PROVOST MAY TEMPORARILY AND IMMEDIATELY REASSIGN THE FACULTY MEMBER PENDING COMPLETION OF INVESTIGATION OF A COMPLAINT UNDER THIS RULE. THE PROVOST SHALL BE RESPONSIBLE FOR ASSURING THAT A COMPLAINT IS FILED PROMPTLY.
- (10) ALLEGATIONS OF GROSS OR SERIOUS INCOMPETENCE SHALL BE JUDGED BY A FACULTY MEMBER'S FAILURE TO MEET OBLIGATIONS WITH RESPECT TO TEACHING, SERVICE, AND RESEARCH.
- (11) ALLEGATIONS OF GRAVE MISCONDUCT SHALL BE JUDGED ON THE BASIS OF ACTS OR OMISSIONS WHICH SERIOUSLY IMPAIR A FACULTY MEMBER'S EFFECTIVENESS IN MEETING TEACHING, RESEARCH, AND SERVICE OBLIGATIONS.
- (12) RESPONDENTS SHALL BE GIVEN WRITTEN NOTICE OF DECISIONS REQUIRED BY THIS RULE. ANY NOTICE SHALL BE SENT BY CERTIFIED MAIL, AND A COPY SHALL BE SENT BY REGULAR MAIL. THE TIME PERIOD FOR ANY ACTION TO BE TAKEN AFTER DELIVERY OF THE NOTICE SHALL BEGIN TO RUN ON THE DATE ON WHICH THE NOTICE IS MAILED.
- (13) COMPLAINANTS SHALL BE GIVEN WRITTEN NOTICE OF DECISIONS OF THE DEPARTMENT CHAIR AND THE DEAN, AND THE FINAL DISPOSITION OF THE CASE. ANY NOTICE SHALL BE SENT BY CERTIFIED MAIL, AND A COPY SHALL BE SENT BY REGULAR MAIL.
- (B) Initial proceedings.
- (1) ~~The complaint shall be set forth in writing, and a copy furnished to the respondent. Only charges thus set forth upon initiation of the complaint shall be considered at the several stages of deliberation.~~ A COMPLAINT MAY BE FILED BY ANY MEMBER OF THE FACULTY, STUDENTS, POST DOCTORAL FELLOWS, AND POST-PROFESSIONAL FELLOWS. IN ADDITION, COMPLAINTS ALLEGING ANY FORM OF DISCRIMINATION OR SEXUAL HARASSMENT MAY BE FILED BY ANY UNIVERSITY EMPLOYEE.

AMENDMENTS TO THE RULES OF THE UNIVERSITY FACULTY (contd)

AMENDED RULE (contd)

- (a) ~~The complaint shall indicate whether the charge is: incompetence or grave misconduct; or failure to meet university responsibilities, which failure is not alleged to constitute incompetence or grave misconduct.~~
 - (b) ~~Standing as complainant shall be limited to the following classes of persons: the university faculty, students, postdoctoral fellows, and post-professional fellows.~~
 - (c) ~~The complaint shall be composed by, or directed to, the department chairperson of the department of which the respondent is a member.~~
 - (d) ~~The burden of going forward and the burden of proof shall be with the complainant.~~
- (2) ~~The department chairperson shall review the complaint and evidence relating to it, including evidence on behalf of the respondent, to determine whether reasonable and adequate grounds exist to support the complaint. THE COMPLAINT SHALL BE SET FORTH IN WRITING. A COPY SHALL BE FURNISHED TO THE RESPONDENT BY THE ADMINISTRATOR WITH WHOM THE COMPLAINT IS FILED.~~
- (a) ~~A decision by the department chairperson that no reasonable and adequate grounds exist to support the complaint shall be communicated in writing to the complainant and the respondent. Such a decision may be appealed by the complainant to the dean of the college in which the complaint was initially filed.~~
 - (b) ~~If reasonable and adequate grounds are determined to exist to support the complaint, the department chairperson shall refer the complaint to the dean of the college.~~
- (3) A COMPLAINT SHALL STATE FACTS TO SUPPORT AN ALLEGATION THAT A FACULTY MEMBER HAS FAILED TO MEET HIS OR HER TEACHING, SERVICE, OR RESEARCH OBLIGATIONS, HAS COMMITTED ACTS OR OMISSIONS WHICH OTHERWISE IMPAIR HIS OR HER EFFECTIVENESS IN MEETING THESE OBLIGATIONS, OR HAS VIOLATED UNIVERSITY RULES.
- (4) ONLY ALLEGATIONS STATED IN THE COMPLAINT SHALL BE CONSIDERED AT THE VARIOUS STAGES OF DELIBERATION.
- (5) A COMPLAINT MAY BE FILED WITH A DEPARTMENT CHAIR, A DEAN, THE PROVOST OR THE PRESIDENT. IF A COMPLAINT IS FILED WITH THE DEAN, PROVOST, OR PRESIDENT, IT SHALL BE IMMEDIATELY REFERRED TO THE APPROPRIATE DEPARTMENT CHAIR FOR INITIAL REVIEW. A COMPLAINT AGAINST A FACULTY MEMBER IN A COLLEGE WITHOUT DEPARTMENTS SHALL BE REFERRED DIRECTLY TO THE DEAN OF THE COLLEGE. IF A COMPLAINT IS FILED AGAINST A REGIONAL CAMPUS FACULTY MEMBER, THE REGIONAL CAMPUS DEAN SHALL SERVE JOINTLY WITH THE DEPARTMENT CHAIR IN THE INITIAL REVIEW. THE REGIONAL CAMPUS DEAN AND THE DEPARTMENT CHAIR MUST AGREE THAT THERE IS PROBABLE CAUSE FOR THE CASE TO GO FORWARD.

AMENDMENTS TO THE RULES OF THE UNIVERSITY FACULTY (contd)

AMENDED RULE (contd)

(C) College proceedings REVIEW BY THE DEPARTMENT CHAIR.

~~Complaints referred to the dean of the college by a department chairperson, or appealed to the dean by the complainant, shall be reviewed by the dean who will determine whether reasonable and adequate grounds to support the complaint have been established.~~

- (1) ~~Complaints alleging failure to meet university responsibilities when such failures are not alleged to constitute incompetence or grave misconduct. THE DEPARTMENT CHAIR SHALL REVIEW THE ALLEGATIONS IN THE COMPLAINT AND DISCUSS THE MATTER WITH THE COMPLAINANT AND WITH THE RESPONDENT.~~
 - (a) ~~If no reasonable and adequate grounds are found to support the complaint, the dean shall dismiss the complaint and communicate this disposition in writing to the complainant, the respondent, and the department chairperson.~~
 - (b) ~~If reasonable and adequate grounds are found to support the complaint, the dean shall establish a college hearing committee consisting of no fewer than three faculty members from within the college but from outside the respondent's department.~~
 - (c) ~~The college hearing committee shall review the complaint, hear relevant testimony, including testimony from both the complainant and the respondent, and determine the accuracy and sufficiency of the complaint.~~
 - (d) ~~The college hearing committee shall transmit its findings in writing to the complainant, respondent, and dean.~~
 - (e) ~~Upon receipt of the written findings of the college hearing committee, the dean shall consider them in connection with the nature of the offense and its circumstances and select one of the following sanctions:~~
 - (i) ~~Dismiss the complaint, if such is the recommendation of the college hearing committee.~~
 - (ii) ~~Direct that an oral warning and reprimand be administered by the department chairperson.~~
 - (iii) ~~Administer a written record of censure.~~
 - (f) ~~The complainant may take no appeal from these proceedings. The respondent shall have the right of appeal to the senior vice president for academic affairs and provost from either the findings of the college hearing committee or the sanction imposed by the dean.~~
- (2) ~~Complaints alleging incompetence or grave misconduct. IF THE CHAIR DETERMINES THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT THE ALLEGATIONS ARE TRUE AND THAT IT IS NOT APPROPRIATE TO REACH AN INFORMAL RESOLUTION, THE CHAIR SHALL REFER THE MATTER TO THE DEAN.~~

AMENDMENTS TO THE RULES OF THE UNIVERSITY FACULTY (contd)

AMENDED RULE (contd)

- (a) ~~If no reasonable and adequate grounds are found to support the complaint, the dean shall dismiss the complaint and communicate this disposition in writing to the complainant, respondent, and department chairperson. A decision to dismiss the complaint may be appealed to the senior vice president for academic affairs and provost.~~
- (b) ~~If reasonable and adequate grounds are found to support the complaint, the dean shall refer the matter to the senior vice president for academic affairs and provost.~~
- (3) IF THE CHAIR DETERMINES THAT THERE IS NOT PROBABLE CAUSE TO BELIEVE THAT THE ALLEGATIONS ARE TRUE, THE CHAIR SHALL DISMISS THE COMPLAINT. IN THIS EVENT, THE COMPLAINANT MAY APPEAL THE DISMISSAL TO THE DEAN. THE APPEAL MUST BE IN WRITING AND MUST BE FILED WITH THE DEAN WITHIN TWENTY-ONE DAYS AFTER THE NOTICE OF THE CHAIR'S DECISION WAS MAILED.
- (4) THE CHAIR SHALL MAKE EVERY EFFORT TO COMPLETE THE REVIEW IN FOURTEEN DAYS.
- (D) ~~The senior vice president for academic affairs and provost.~~ REVIEW BY THE DEAN.
 - (1) ~~Appeals to the senior vice president for academic affairs and provost by a respondent from the findings of a college hearing committee or the sanction imposed by a dean in response to a complaint alleging failure to meet university responsibilities, shall be dealt with by the senior vice president for academic affairs and provost in accord with the following procedures: UPON RECEIPT OF AN APPEAL OR A REFERRAL OF A COMPLAINT FROM A DEPARTMENT CHAIR, THE DEAN SHALL REVIEW THE ALLEGATIONS IN THE COMPLAINT AND DISCUSS THE MATTER WITH THE COMPLAINANT AND THE RESPONDENT.~~
 - (a) ~~Upon receiving such an appeal, the senior vice president for academic affairs and provost shall invoke the procedures contained in paragraphs (E)(1) to (E)(5) of this rule. In such appeals, the dean shall function as prosecutor and the hearing panel shall report its findings of fact and its judgment as to the appropriateness of the imposed sanctions to the senior vice president for academic affairs and provost and to the respondent.~~
 - (b) ~~Upon receiving the report of the hearing panel, the senior vice president for academic affairs and provost may:~~
 - (i) ~~Sustain the sanction,~~
 - (ii) ~~Impose a lesser sanction, or~~
 - (iii) ~~Dismiss the complaint and direct that the record be expunged.~~
 - (c) ~~The senior vice president for academic affairs and provost shall communicate in writing his disposition of the appeal to the respondent, complainant, and dean. No appeal may be taken from the actions of the senior vice president for academic affairs and provost.~~

AMENDMENTS TO THE RULES OF THE UNIVERSITY FACULTY (contd)

AMENDED RULE (contd)

- (2) ~~Complaints alleging incompetence or grave misconduct, referred to or appealed to the senior vice president for academic affairs and provost by a dean or a complainant, shall be reviewed by the senior vice president for academic affairs and provost to determine whether reasonable and adequate grounds have been established to support the complaint. IF THE DEAN DETERMINES THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT THE ALLEGATIONS ARE TRUE AND THAT IT IS NOT APPROPRIATE TO REACH AN INFORMAL RESOLUTION, THE DEAN SHALL REFER THE MATTER TO THE COLLEGE INVESTIGATION COMMITTEE.~~
- (a) ~~If it is determined that reasonable and adequate grounds have not been established to support the complaint, the senior vice president for academic affairs and provost shall dismiss the complaint and communicate this disposition in writing to the complainant, respondent, dean and department chairperson. No appeal may be taken from such a dismissal by the senior vice president for academic affairs and provost.~~
- (b) ~~If a determination is made that reasonable and adequate grounds have been established to support the complaint, the senior vice president for academic affairs and provost shall transmit a written notice of the specific charges to the faculty hearing committee, respondent, and complainant. In proceedings before a hearing panel involving complaints alleging incompetence or grave misconduct, the burden of going forward, the burden of proof, and the responsibility for prosecuting the charge shall be with the senior vice president for academic affairs and provost. The senior vice president for academic affairs and provost may be represented in such proceedings by a designee.~~
- (3) IF THE DEAN DETERMINES THAT THERE IS NOT PROBABLE CAUSE TO BELIEVE THAT THE ALLEGATIONS ARE TRUE, THE DEAN SHALL DISMISS THE COMPLAINT. THE PROCEEDINGS SHALL TERMINATE AT THIS POINT EXCEPT IN CASES INVOLVING FACULTY MEMBERS IN COLLEGES WITHOUT DEPARTMENTS. IN SUCH CASES, THE COMPLAINANT MAY APPEAL A DISMISSAL BY THE DEAN TO THE COLLEGE INVESTIGATION COMMITTEE. THE APPEAL MUST BE IN WRITING AND MUST BE FILED WITH THE DEAN WITHIN TWENTY-ONE DAYS AFTER THE DEAN'S DECISION WAS MAILED TO THE COMPLAINANT. UPON RECEIPT OF AN APPEAL THE DEAN SHALL IMMEDIATELY FORWARD THE APPEAL TO THE COLLEGE INVESTIGATION COMMITTEE, WHICH SHALL PROCEED IN ACCORDANCE WITH PARAGRAPH (E) OF THIS RULE.
- (4) THE DEAN SHALL MAKE EVERY EFFORT TO COMPLETE THE REVIEW IN FOURTEEN DAYS.
- (E) THE COLLEGE INVESTIGATION COMMITTEE.
- (1) EACH COLLEGE SHALL ESTABLISH A PROCEDURE FOR THE CREATION OF A STANDING COLLEGE INVESTIGATION COMMITTEE, WHICH SHALL CONSIST OF TENURED FACULTY MEMBERS. A COLLEGE MAY INCLUDE ON ITS COLLEGE INVESTIGATION COMMITTEE TENURED FACULTY MEMBERS FROM OTHER COLLEGES.

AMENDMENTS TO THE RULES OF THE UNIVERSITY FACULTY (contd)

AMENDED RULE (contd)

- (2) UPON RECEIPT OF A REFERRAL OF A COMPLAINT FROM THE DEAN, THE COLLEGE INVESTIGATION COMMITTEE SHALL MEET WITH THE COMPLAINANT AND THE RESPONDENT AND SHALL REVIEW ANY DOCUMENTARY EVIDENCE PROVIDED BY THESE PARTIES. THE RESPONDENT SHALL BE GIVEN COPIES OF ANY DOCUMENTARY EVIDENCE PROVIDED TO THE COMMITTEE BY THE COMPLAINANT. THE COMMITTEE MAY ALSO OBTAIN RELEVANT INFORMATION FROM OTHER PERSONS, BUT SHALL PROTECT THE CONFIDENTIALITY OF THE PROCEEDINGS. AT THE CONCLUSION OF ITS INVESTIGATION, THE COMMITTEE SHALL DELIVER TO THE DEAN ITS FINDINGS, A RECOMMENDATION CONCERNING THE MERITS OF THE COMPLAINT AND, IF THE COMPLAINT IS JUDGED TO HAVE MERIT, A PROPOSED SANCTION. FINDINGS OF THE COMMITTEE SHALL BE BASED ON CLEAR AND CONVINCING EVIDENCE.
- (3) A PROPOSED SANCTION SHALL BE COMMENSURATE WITH THE NATURE OF THE COMPLAINT. SANCTIONS INCLUDE:
- (a) VERBAL REPRIMAND;
 - (b) WRITTEN REPRIMAND;
 - (c) MANDATORY COUNSELING OR OTHER REHABILITATION;
 - (d) REIMBURSEMENT FOR DAMAGES TO, DESTRUCTION, OR MISAPPROPRIATION OF UNIVERSITY PROPERTY OR SERVICES;
 - (e) TEMPORARY REASSIGNMENT OF OR OTHER RESTRICTIONS ON DUTIES;
 - (f) TEMPORARY OR PERMANENT RESTRICTION OF ACCESS TO UNIVERSITY PROPERTY OR SERVICES, THE ABUSE OF WHICH LED TO THE COMPLAINT;
 - (g) TEMPORARY REDUCTION OF SALARY BASE NOT TO EXCEED THIRTY-THREE PERCENT (ONE-YEAR MAXIMUM);
 - (h) COMBINATION OF ABOVE SANCTIONS;
 - (i) DISMISSAL OF NON-TENURED FACULTY;
 - (j) DISMISSAL OF TENURED FACULTY;
- (4) THE COMMITTEE SHALL RECOMMEND TERMINATION OF EMPLOYMENT OF TENURED FACULTY MEMBERS ONLY IN DEMONSTRATED CASES OF GROSS OR SERIOUS INCOMPETENCE OR GRAVE MISCONDUCT.
- (5) THE COMMITTEE SHALL MAKE EVERY EFFORT TO COMPLETE ITS INVESTIGATION AND SUBMIT ITS REPORT WITHIN FORTY-FIVE DAYS.
- (F) DECISION BY THE DEAN.
- (1) AFTER REVIEWING THE REPORT AND RECOMMENDATION OF THE COLLEGE INVESTIGATION COMMITTEE, THE DEAN MAY:

AMENDMENTS TO THE RULES OF THE UNIVERSITY FACULTY (contd)

AMENDED RULE (contd)

- (a) DISMISS THE COMPLAINT;
 - (b) UPHOLD THE COMMITTEE'S RECOMMENDATION AND PROPOSED SANCTION;
 - (c) UPHOLD THE COMMITTEE'S RECOMMENDATION WITH WHAT WOULD REASONABLY BE INTERPRETED AS AN EQUIVALENT OR LESSER SANCTION;
 - (2) IF THE COLLEGE INVESTIGATION COMMITTEE HAS RECOMMENDED A SANCTION OTHER THAN TERMINATION OF EMPLOYMENT, THE DEAN MAY NOT INCREASE THE SANCTION TO TERMINATION OF EMPLOYMENT.
 - (3) THE DEAN SHALL MAKE A DECISION IN THIRTY DAYS.
 - (4) IF THE DEAN DISMISSES THE COMPLAINT, THE PROCEEDINGS SHALL BE TERMINATED AND THE MATTER CLOSED.
 - (5) THE RESPONDENT MAY APPEAL ANY DECISION OR SANCTION TO THE PROVOST.
 - (6) AN APPEAL BY THE RESPONDENT MUST BE IN WRITING AND MUST BE FILED WITH THE PROVOST WITHIN TWENTY-ONE DAYS AFTER NOTICE OF THE DEAN'S DECISION WAS MAILED.
- (G) REVIEW OF APPEALS BY THE PROVOST.
- (1) AFTER REVIEWING THE RECORD OF A CASE APPEALED BY A RESPONDENT, THE PROVOST MAY:
 - (a) DISMISS THE COMPLAINT,
 - (b) UPHOLD THE DEAN'S DECISION AND PROPOSED SANCTION,
 - (c) UPHOLD THE DEAN'S DECISION WITH WHAT WOULD REASONABLY BE INTERPRETED AS AN EQUIVALENT OR LESSER SANCTION.
 - (2) THE PROVOST SHALL MAKE EVERY EFFORT TO REACH A DECISION WITHIN FOURTEEN DAYS.
 - (3) IF THE PROVOST UPHOLDS THE DEAN'S DECISION AND PROPOSED TERMINATION OF EMPLOYMENT, OR IF THE PROVOST MODIFIES A SANCTION THAT IS LESS THAN TERMINATION, THE RESPONDENT MAY APPEAL TO THE FACULTY HEARING COMMITTEE. IN ALL OTHER CASES, THE PROVOST'S DECISION SHALL BE FINAL.
 - (4) AN APPEAL BY THE RESPONDENT MUST BE IN WRITING AND MUST BE FILED WITH THE FACULTY HEARING COMMITTEE WITHIN TWENTY-ONE DAYS AFTER NOTICE OF THE PROVOST'S DECISION WAS MAILED.

AMENDMENTS TO THE RULES OF THE UNIVERSITY FACULTY (contd)

AMENDED RULE (contd)

(E)

(H)

The faculty hearing committee.

- (1) Within thirty days of receipt ~~from the senior vice president for academic affairs and provost of charges against a respondent, or of an appeal from a respondent as provided for in paragraphs (D)(1)(a) to (D)(1)(e) of this rule,~~ the faculty hearing committee WHICH IS ESTABLISHED BY RULE 3335-5-4810 OF THE ADMINISTRATIVE CODE, shall convene a hearing panel to consider the complaint. The respondent and the PROVOST OR DESIGNEE ~~prosecutor~~ may each make one ~~preemptory~~ PEREMPTORY challenge to the seating of one person on the hearing panel and ONE PEREMPTORY CHALLENGE to the selection of a presiding officer.
- (2) The hearing panel may restrict the attendance of persons at the proceedings. ~~provided that neither~~ HOWEVER, the respondent AND ~~nor the prosecutor~~ PROVOST shall HAVE ~~be denied~~ the right to have one observer of their choosing present at all times.
- (3) Respondents shall have the right to be represented by legal counsel or any other person of their choice, to examine the witnesses and evidence against them, to present witnesses and evidence on their own behalf, and to refuse to testify or be questioned in the proceedings without prejudice to their cause.
- (4) THE PROVOST, OR DESIGNEE, SHALL PRESENT THE CASE TO THE HEARING PANEL. IN PRESENTING THE CASE, THE PROVOST MAY BE ADVISED BY THE GENERAL COUNSEL.
- (4)
- (5) The hearing panel shall receive ~~such~~ testimony and other evidence as it deems to be material and relevant to the issues before it.
- (5)
- (6) An electronic recording shall be kept of all proceedings. ~~before a hearing panel. In addition, a written transcript shall be kept of proceedings dealing with complaints alleging incompetence or grave misconduct.~~
- (6)
- (7) At the conclusion of the proceedings, the hearing panel shall make separate written findings of fact WITH RESPECT TO EACH SUBSTANTIVE ISSUE RAISED AT THE HEARING and a recommendation as to a sanction, if any, to be imposed. ~~pursuant to paragraph (H) of this rule.~~ Such findings of fact and recommendation, together with a ~~complete transcript~~ RECORD of the proceedings, shall be transmitted to the president of the university and to the respondent. FINDINGS OF THE HEARING PANEL SHALL BE BASED ON CLEAR AND CONVINCING EVIDENCE.
- (8) THE HEARING PANEL WILL NOT BE BOUND BY THE FINDINGS OF THE COLLEGE INVESTIGATION COMMITTEE.
- (9) THE HEARING PANEL SHALL RECOMMEND TERMINATION OF EMPLOYMENT OF TENURED FACULTY MEMBERS ONLY IN DEMONSTRATED CASES OF GROSS OR SERIOUS INCOMPETENCE OR GRAVE MISCONDUCT.

AMENDMENTS TO THE RULES OF THE UNIVERSITY FACULTY (contd)

AMENDED RULE (contd)

- (10) THE HEARING PANEL SHALL MAKE EVERY EFFORT TO CONCLUDE THE PROCEEDINGS WITHIN SIXTY DAYS.

~~(F)~~

(I)

The president.

- (1) Upon receipt of THE written findings of fact AND RECOMMENDATION AND A RECORD ~~a complete transcript of the proceedings and a recommendation from a hearing panel,~~ the president shall review the matter. ~~and:~~

- (a) ~~Should he disagree with the findings or the recommendation of the hearing panel, or desire consideration of additional evidence, he may remand the matter to the hearing panel along with a written statement of the reasons therefor.~~

~~Upon remand of a case, the hearing panel shall supply copies of the president's statement to the senior vice president for academic affairs and provost and the respondent, and shall reopen the proceeding, at the conclusion thereof submitting a supplemental report to the president and to the concerned parties.~~

- (b) ~~Should he agree with the findings and recommendation of the hearing panel, should he disagree but choose not to remand, or in any event after receiving the supplemental report of the hearing panel, he~~ THE PRESIDENT may:

- ~~(i)~~ (a) Dismiss the complaint; ~~or~~

- ~~(ii)~~ (b) Impose any sanction less than termination OF EMPLOYMENT whether or not it accords with the recommendation of the hearing panel; ~~or~~

- ~~(iii)~~ (c) Recommend to the board of trustees termination OF EMPLOYMENT ~~of the respondent~~ on such terms and conditions as ~~he~~ THE PRESIDENT may deem advisable;

- (d) REMAND THE CASE TO THE HEARING PANEL FOR RECONSIDERATION.

- (2) Any decision of the president shall be communicated in writing to THE hearing panel and to the respondent.

~~(G)~~

(J)

Board of trustees.

The board of trustees, in reviewing and deciding upon a ~~dismissal~~ case IN WHICH TERMINATION OF EMPLOYMENT HAS BEEN RECOMMENDED, has the ultimate authority to take that action necessary to promote the best interest of the university and to protect the rights of the individual. ~~The board, based on a review of the record of the hearing panel, may accept or reject any recommendation of the president, or may sustain, revoke or modify any action taken by the president.~~

AMENDMENTS TO THE RULES OF THE UNIVERSITY FACULTY (contd)

AMENDED RULE (contd)

- (1) ~~If the president recommends termination, the board may approve the recommendation, disapprove the recommendation and dismiss the complaint, or disapprove the recommendation and modify the sanction subject to paragraph (G)(2) of this rule.~~
 - (2) ~~If the board rejects a recommendation of termination, it shall state its reasons in writing and provide an opportunity for the president, the respondent, and the hearing panel to respond thereto in writing.~~
 - (3) ~~Should the president dismiss a complaint against a respondent, or impose a sanction less than termination, the board, or any committee thereof, may on its own motion review the matter and request written or oral statements of their respective positions from the president, the respondent, and the hearing panel.~~
 - (4) ~~In reviewing and deciding on dismissal cases, IN SUCH CASES, the board shall give the respondent an opportunity to present to it arguments in writing, or in person, or both.~~
- (H) ~~Sanctions applicable to established cases of incompetence or grave misconduct.~~

~~Sanctions shall be selected from the following:~~

- (1) ~~Recorded censure, administered by the dean of the college of the senior vice president for academic affairs and provost. This sanction shall be applied only in those cases involving unusually strong mitigating circumstances of exceptionally persuasive character.~~
- (2) ~~Termination of employment, recorded and administered by the senior vice president for academic affairs and provost. Such termination shall be guided by the following requirements for payment of salary and notice of termination: at least three months, if the final decision is reached by March first (or three months prior to the expiration) of the first of probationary service; at least six months, if the final decision is reached by December fifteenth of the second year (or after nine months but prior to eighteen months) of probationary service; at least one year, if the decision is reached after eighteen months of probationary service or if the faculty member has tenure. (These provisions need not apply if the grounds justifying the dismissal involve conduct which would invoke general condemnation by the academic community).~~

NOW THEREFORE

BE IT RESOLVED, That the foregoing amendments to the Rules of the University Faculty be adopted as recommended by the University Senate.

Upon motion of Mr. Colley, seconded by Mr. Brennan, the Board of Trustees adopted the foregoing resolution by unanimous voice vote.

--0--

HONORARY DEGREES

Resolution No. 94-70

Synopsis: Approval of awarding honorary degrees to Howard Metzenbaum and Thomas J. Moyer are proposed.

HONORARY DEGREES (contd)

WHEREAS pursuant to paragraph (C) of rule 3335-3-03 of the Administrative Code, the President, after consultation with the Steering Committee of the University Senate, recommended to the Board of Trustees awarding of honorary degrees as listed below:

Howard Metzenbaum
Thomas J. Moyer

Doctor of Laws
Doctor of Laws

NOW THEREFORE

BE IT RESOLVED, That the above honorary degree be awarded in accordance with the recommendation at a time convenient to the University and the recipient.

Upon motion of Mr. Colley, seconded by Mr. Celeste, the Board of Trustees adopted the foregoing resolution by unanimous voice vote.

--0--

RESOLUTIONS IN MEMORIAM

Resolution No. 94-71

Synopsis: Approval of five Resolutions in Memoriam is proposed.

RESOLVED, That the Board adopt the following Resolutions in Memoriam and that the President be requested to convey copies to the family of the deceased.

Wilbur H. Bruner

The Board of Trustees of The Ohio State University expresses its sorrow upon the death on October 30, 1993, of Wilbur H. Bruner, Associate Professor Emeritus in the Ohio State University Extension.

Mr. Bruner was born October 17, 1905, in Paulding, Ohio. He received his B.S. in Agriculture Education in 1923 from The Ohio State University.

Professor Bruner began his Extension career in Ohio when he joined the faculty at The Ohio State University in 1936 as the County Agricultural Agent in Preble County. In 1949 he became an Extension Specialist in Marketing, and in 1954 he was named Extension Specialist, Swine and Marketing, in the Department of Animal Science. He held this position until his retirement in 1969.

Wilbur Bruner's contributions left a large and creditable mark on Ohio's Swine Industry. His work as a teacher benefitted thousands of swine producers by creating better management practices and breeding techniques. He was a nationally known barrow judge. In addition, he supervised the construction of The Ohio State University Swine Evaluation Station -- the first such station in the United States. Several states patterned their evaluation stations after the Ohio station. Mr. Bruner served on numerous committees at the University, in the state, and internationally. His expertise in the swine industry during his career earned him the respect and admiration of his co-workers and associates throughout the state, as well as the nation.

On behalf of the University community, the Board of Trustees expresses its sympathy and understanding to his family as well as friends. It was directed that this resolution be inscribed upon the minutes of the Board of Trustees as an expression of the Board's heartfelt sympathy.

RESOLUTIONS IN MEMORIAM (contd)

Lewis C. Chadwick

The Board of Trustees of The Ohio State University expresses its sorrow upon the death on October 3, 1993, of Lewis C. Chadwick, Professor Emeritus in the Department of Horticulture.

Professor Chadwick, born August 13, 1902, in Randolph Center, Vermont, received his B.S. degree in 1935 from the University of Vermont and his Ph.D. in 1931 from Cornell University.

He joined the faculty at The Ohio State University in the Department of Horticulture in 1937, serving as professor of Horticulture, Ornamental Horticulture and Floriculture. Professor Chadwick retired in 1967 as Professor Emeritus.

Dr. Chadwick's distinguished career focused on research, extension, and teaching. His doctoral thesis centered on plant propagation and benefitted propagators everywhere. His extension work and affiliations with professional organizations placed him in a position of leadership. Professor Chadwick held numerous offices and made lasting contributions including: the American Society of Consulting Arborists, the Columbus Landscape Association, the International Plant Propagators Society, the International Society of Arboriculture, the Council of Tree and Landscape Appraisers, and the American Society for Horticultural Science.

Throughout Lewis Chadwick's career it was his teaching and students that remained the center of his life. More than 5,000 students and unlimited numbers of industry leaders and gardening public have benefitted from his teaching and experiences. The honors he has received are numerous and include: the Norman J. Colman Award, 1950; the Distinguished Contribution Award, the Ohio Nurserymen's Association, 1964; the Albert J. Wright Award, 1967; the Liberty Hyde Bailey Medal, 1973; the L. C. Chadwick Educator's Award, 1976; and the Hall of Fame, National Landscape Association, 1989.

His dedication to his profession has prompted the naming of plant cultivars and horticultural facilities. The world's largest Taxus collection at the Ohio Agricultural Research and Development Center in Wooster, Ohio, and The Ohio State University Chadwick Arboretum in Columbus, Ohio, are named in his honor.

Professor Chadwick was devoted to his family. He and his late wife Evalina had one child, Barbara. His family members joined him in his devotion to students, Ohio, and the horticultural profession.

On behalf of the University, the Board of Trustees expresses to the family its deepest sympathy and sense of understanding in their loss. It was directed that this resolution be inscribed upon the minutes of the Board of Trustees and that a copy be tendered to the family as our expression of the Board's heartfelt sympathy.

Roy Bernard McCauley, Jr.

The Board of Trustees of The Ohio State University expresses its sorrow upon the death on June 25, 1993, of Roy B. McCauley, Jr., Professor Emeritus in the Department of Welding Engineering.

Roy McCauley received a B.A. degree in Chemistry at Cornell College in 1940, and an M.S. degree from Illinois Institute of Technology in metallurgy in 1942, before assuming the position of Assistant Professor and Chairman of the Metallurgy Department. He then served on the faculty of Ohio State from 1950 to 1982, including service as the first Director of the Center for Welding Research in the College of Engineering.

Professor McCauley was very active in professional societies and community service. He joined the American Welding Society in 1945 and served the Society in many ways. Professor McCauley was President of the Society in 1966-67. He was presented with numerous American Welding Society

RESOLUTIONS IN MEMORIAM (contd)

Roy Bernard McCauley, Jr. (contd)

Awards, among them a National Meritorious Certificate, 1959; the Adams Memorial Award, 1960; the Thomas International Achievement Award, 1972; and the Miller Gold Medal, 1978. In 1991, Professor McCauley was a charter recipient of the prestigious AWS Fellows Award. For contributions to other organizations, he was recognized with the Edison Welding Distinguished Research Director Award, 1989; the British Welding Institute International Advisory Silver Medal, 1981; the International Institute of Welding Silver Plaque, 1979; and the ASM Silver Certificate, 1966. He was also a major contributor to the American Society for Non-Destructive Testing and the Welding Research Council.

Professor McCauley served his community as a church school teacher, a member of the Board of Trustees of the Wesley Foundation, a Faculty Associate of the Blackburn House at The Ohio State University, and as a member of the Board of Advisors of the Franklin County Extension Service. At The Ohio State University, he will be remembered by his colleagues and three decades of Welding Engineering students for his dedication to the technology, strong belief and leadership in the Welding Engineering Department, and great sensitivity to the important relationship between faculty and the students.

On behalf of the University, the Board of Trustees expresses to the family its deep sympathy and sense of understanding in their loss. It was directed that this resolution be inscribed upon the minutes of the Board of Trustees and that a copy be tendered to the family as an expression of the Board's heartfelt sympathy.

Oscar E. Share

The Board of Trustees of The Ohio State University expresses its sorrow upon the death on October 30, 1993, of Oscar E. Share, Assistant Professor Emeritus in the Ohio State University Extension.

Professor Share was born June 2, 1916, in Brookville, Ohio. He received his B.S. in Dairy Science in 1939 from The Ohio State University. He began his Extension career in Ohio, when he joined the faculty at The Ohio State University on January 1, 1940, as the Assistant County Agent in Noble County. Throughout his career he also worked in Jackson, Harrison, Madison, and Guernsey Counties. He retired in 1972, with only a break in service to serve in the U.S. Navy from 1943 to 1946.

Professor Share's contributions in providing excellent Extension educational programs during his career earned him the respect and admiration of his co-workers and associates throughout the state. His work with 4-H clubs, the development of Rapid Adjustment Farms, Grassland Programs, and serving on numerous committees throughout his career distinguished him as one of the top Extension agents during his career.

On behalf of the University community, the Board of Trustees expresses its sympathy and understanding to his wife and family as well as friends. It was directed that this resolution be inscribed upon the minutes of the Board of Trustees as an expression of the Board's heartfelt sympathy.

Norman H. Shilliday

The Board of Trustees of The Ohio State University expresses its sorrow upon the death on November 3, 1993, of Norman H. Shilliday, County Agent Emeritus in the Ohio State University Extension.

Mr. Shilliday was born October 31, 1901, in Edenburg, Ohio. He completed his B.S. degree in

December 3, 1993 meeting, Board of Trustees

Agriculture at The Ohio State University in 1924.

RESOLUTIONS IN MEMORIAM (contd)

Norman H. Shilliday (contd)

On May 1 1924, he began his Extension career as a County Agriculture Agent and held this position until his retirement in 1957. Norman Shilliday's contributions in providing excellent Extension educational programs in agriculture for the citizens in Ashland County during his career earned him the respect and admiration of his co-workers and associates throughout the state.

On behalf of the University community, the Board of Trustees expresses its sympathy and understanding to his wife and children. It was directed that this resolution be inscribed upon the minutes of the Board of Trustees as an expression of the Board's heartfelt sympathy.

Upon motion of Mr. Colley, seconded by Amb. Wolf, the Board of Trustees adopted the foregoing resolution by unanimous voice vote.

--0--

PERSONNEL ACTIONS

Resolution No. 94-72

RESOLVED, That the personnel actions as recorded in the Personnel Budget Records of the University since the November 5, 1993 meeting of the Board, including the following Appointments, Leave of Absence Without Salary, and Professional Improvement Leave as detailed in the University Budget be approved and the Medical Staff Appointments/Reappointments (The Ohio State University Hospitals) approved September 30, 1993, by the Hospitals Board be ratified.

Appointments

Name: JOHN P. SCHOESSLER
Title: Associate Dean and Professor (The E. F. Wildermuth Foundation Professorship in Optometry)
College: Optometry
Effective: July 1, 1994
Salary: N/A
Present Position: Associate Dean and Professor, College of Optometry

Name: PAUL A. WEBER
Title: Chairperson and Professor (The Irene D. Hirsch Chair in Ophthalmology)
Department: Ophthalmology
Effective: October 1, 1993
Salary: N/A
Present Position: Chairperson and Professor, Department of Ophthalmology

Leave of Absence Without Salary

HASSAN Y. ALY, Assistant Professor, Department of Economics (Marion Campus), effective Winter Quarter and Spring Quarter 1994, to visit the University of Kuwait.

Professional Improvement Leave

JOSEPH F. DONNERMEYER, Associate Professor, Department of Agricultural Economics and Rural Sociology, effective Spring Quarter and Autumn Quarter 1994, and Winter Quarter 1995.

PERSONNEL ACTIONS (contd)

Medical Staff Appointments (The Ohio State University Hospitals)

July 1, 1993 through June 30, 1995

Beaver, Bonnie L., M.D., Attending Staff, Department of Surgery, Division of Pediatric Surgery/Division of Transplant Surgery
Calloway, George F., M.D., Courtesy Staff, Department of Ophthalmology
Castle, Lon A., M.D., Limited Staff, Department of Family Medicine
Daniel, Charles M., M.D., Limited Staff, Department of Internal Medicine
El-Sabagh, Tarek M., M.D., Limited Staff, Department of Internal Medicine, Division of Hematology and Oncology
Frair, Ellin C., M.D., Limited Staff, Department of Anesthesiology
Frazier, Joel L., M.D., Attending Staff, Department of Surgery, Division of Orthopedic Surgery
Gonzalez, J. Gavin, M.D., Limited Staff, Department of Surgery, Division of General Surgery
Guerra, Berta M., M.D., Limited Staff, Department of Psychiatry
Hameed, Arif, M.B.B.S., Attending Staff, Department of Pathology
Igel, Andrea M., M.D., Courtesy Staff, Department of Pediatrics
Isenhardt, Craig E., M.D., Limited Staff, Department of Pathology
Kennedy, John C., M.D., Limited Staff, Department of Psychiatry
Klopfenstein, Kathryn J., M.D., Attending Staff, Department of Pediatrics
Lebeiko, Carol H., M.D., Attending Staff, Department of Psychiatry, Division of Child and Adolescent Psychiatry
Lindberg, Robert F., D.O., Courtesy Staff, Department of Ophthalmology
Melvin, William S., M.D., Attending Staff, Department of Surgery, Division of General Surgery
Miller, Robert L., M.D., Limited Staff, Department of Radiology
Miller, Amy L., M.D., Limited Staff, Department of Anesthesiology
Morgan, Richard L., M.D., Limited Staff, Department of Pathology
Nigam, Sima, M.D., Limited Staff, Department of Psychiatry
Noel, Alan de M., M.D., Limited Staff, Department of Family Medicine
Olmo, Franklin A., M.D., Limited Staff, Department of Family Medicine
Pargulski, John M., D.O., Limited Staff, Department of Internal Medicine, Division of Cardiology
Perry, Michael A., M.D., Attending Staff, Department of Pediatrics
Taylor, Robert M., M.D., Courtesy Staff, Department of Neurology
Xie, Dong-lin, M.D., Limited Staff, Department of Pathology

Medical Staff Reappointments (The Ohio State University Hospitals)

July 1, 1993 through June 30, 1995

Alkhoury, Razan, M.D., Limited Staff, Department of Pediatrics
Bibler, William B., M.D., Limited Staff, Department of Radiology/Division of General Diagnostic Radiology
Cohen, Daniel M., M.D., Limited Staff, Department of Pediatrics
Dumont, R. Charles, M.D., Limited Staff, Department of Pediatrics
Holmes, Mary E., M.D., Limited Staff, Department of Pediatrics
Joshi, Kamal, M.D., Courtesy Staff, Department of Surgery/Division of Urologic Surgery
Kern, Richard A., M.D., Attending Staff, Department of Pediatrics
Kiluk, Andrew K., M.D., Limited Staff, Department of Pediatrics
Myers, Laurie A., M.D., Limited Staff, Department of Pediatrics
Pfau, Brad T., M.D., Limited Staff, Department of Pediatrics

Upon motion of Mr. Colley, seconded by Mr. Celeste, the Board of Trustees adopted the foregoing resolution by unanimous roll call vote.

AGRICULTURAL AFFAIRS REPORT

RESTRUCTURING OF THE COLLEGE OF AGRICULTURE

Mr. Colley:

I would like to introduce Vice President Bobby Moser who will discuss the restructuring of the College of Agriculture.

Dr. Bobby Moser:

Thank you, Mr. Colley and Ms. Casto. Thank you very much for this opportunity to talk about the College of Agriculture. The information being passed out to you is what I will be discussing: 1) the restructuring of the College of Agriculture, that's a part of the University process; 2) our teaching program within the College, which we're very proud of; and 3) one program of research that I've singled out and would like to mention to you.

The first page of your handout is our college mission and vision statement. We started the process for restructuring quite some time ago as we were looking at the overall mission and vision of our College of Agriculture and asking ourselves the question, "What should a college of agriculture look like in the twenty-first century?" And so, what is before you is what we really identified as being our mission and vision for this college and where we should be going.

On the backside of that handout is the five major focus areas that we see our College spending a good deal of time on in the next decade. We're talking about programs in teaching, research, and also our extension outreach programs. Notice the first one is the production side which is very important to us in Ohio. The production agriculture sector is very big and we'll talk more about that later. The next one is the food and other products -- the value added side of agriculture. The third one is enhancing the environmental quality -- something we cannot overlook in agriculture is the concerns about the environment. Then accessing the social and economical changes that are occurring not only in agriculture, but also in rural communities and getting into the urban areas as well. Developing our human resources is something we think is a very important part of what our college does. It is a people side of what we do. We entered our restructuring process keeping this mission and vision in mind. As I talk about what we've done in our discussions with faculty, staff, and students, notice we kept these five major focus areas in mind as we put our new plan together.

The next page talks about the restructuring process itself. We put together a faculty committee and a committee of chairs that worked simultaneously. We asked them to take a look at our academic units and see how we could do some mergers and reallocations within those academic units to be able to reduce our effort in administration and shift those resources over to program. Program being teaching, research, and extension outreach efforts. We started the process out with those two committees. They deliberated for a couple of months individually, and then we brought them together for a final recommendation which we'll discuss a little bit later.

Once that recommendation went out to the faculty, we held town meetings. We had three here on this campus and we had two at the Wooster campus. The town meetings were open to faculty, staff, and students. The proposal that was presented at the town meetings was not poured in concrete, so to speak, but it was open for discussion. It was the committees' first draft on the proposed restructuring plan. We received excellent attendance at the town meetings, good interaction took place, and all were represented in attendance by students, faculty, and staff.

AGRICULTURAL AFFAIRS REPORT (contd)

RESTRUCTURING OF THE COLLEGE OF AGRICULTURE (contd)

Dr. Moser: (contd)

We also visited with groups external to the university-agricultural groups and leadership in agricultural community outside of the University. We visited with our alumni association and our development boards association, and we received input from each of those. We also had special meetings with our undergraduate students. We consulted with the president of our Undergraduate Student Government, Chris Norman, who is here and received input from him as to how to involve students in this process. Through his recommendations and suggestions we did hold a special forum for students. They were invited to the town meetings, but we held a special forum for them. We also did the same thing for graduate students and received their input.

Also, the Undergraduate Student Council within the College of Agriculture had a special session with them as well. They and the graduate students then met with the faculty council within the college so that the faculty who are going to be the ones voting on this could hear the views directly from the students. We received input from all the town meetings, it went back to the committees, the committees then reviewed what they heard at the town meetings and different proposals that were sent to them after the town meetings, and then made a final recommendation.

What you see on the next page in your handout is our final proposal. On the left-hand side of that page is the current eleven academic units that we have within the college. The middle column which says, "Initial Proposal" was the proposal that was discussed at the town meetings and it came out of the faculty and chairs committees. We had eleven units and the first proposal was to go to seven units. After receiving that input at the town meetings the committees then made a final recommendation which you see on the far right-hand side which has eight academic units in it. So, we're going from eleven units to eight units. That particular proposal then will be the one that the faculty will vote on. Now, we are still going to have two more town meetings, one here in Columbus and one at Wooster, but they will be held for clarification in case people have questions about what we've done and so forth and to explain why we've done this. We felt like it was important to give faculty, staff, and students one more time to ask questions about the final proposal.

We felt like it was important for us to make these kinds of shifts and mergers for two reasons: 1) we wanted to reduce our efforts in administration and to shift and reallocate that to program; and 2) we think these units we have here will better position us for the twenty-first century, for these are the kinds of things that the agriculture industry will be dealing with in the twenty-first century. If you have questions about any of those, I would be happy to respond to them in just a few minutes.

The next page shows other parts of our operation that are going through a restructuring process. These particular units do not grant B.S. or graduate degrees, but they are still part of agriculture administration and we are looking at those as well. The first one on the list is combining business offices. We have several business offices within our operation. We're asking ourselves the question, "Do we need as many as we've got?" And we've answered that question as no. And so we are in the process now of looking at how we can reduce the number of offices that we have got within our operations and streamline them as much as possible.

AGRICULTURAL AFFAIRS REPORT (contd)

RESTRUCTURING OF THE COLLEGE OF AGRICULTURE (contd)

Dr. Moser: (contd)

The second one is the Agricultural Technical Institute (ATI), our two-year technical school at Wooster. They have gone through an internal reallocation or restructuring and reduced their five academic divisions to three. OSU Extension has also gone through an internal restructuring process and they're in the process of implementing that at the present time.

We combined our information and applied communication unit within our computer unit within the college now called, "The Section of Communication and Technology." Again, reducing one administrator in that process. Dr. Tzagournis and I got together one day -- we both have satellite units within our colleges -- we felt like it would be good if we merged those units together and made one real strong outstanding unit and we did that. The people in both colleges are very pleased with that process. It's excellent to know that one program will add to the colleges and maybe even could be a service to other parts of the University.

Chadwick Arboretum was moved to Horticulture and through the agriculture research program we have several branch stations around the State. We asked ourselves the question, "Do we need thirteen?" That's how many we have. The answer to that question was no. And, we have two branch stations up for sale at the present time.

Reconfiguration of operation units within OARDC are currently underway at the present time as well. So, that is another part of our reorganization that we are doing within the college.

The next page deals with our teaching program. As I said, we're very proud of our teaching program in the College of Agriculture. I have a few statistics here that I'm kind of proud of and I'd like to share those with you. The first on the list is job placement. Eighty-seven percent of last year's graduates had jobs. I think that's pretty good in this day in time. We're proud of that -- not only in the quality of students coming out of our college, but also it gives me a positive feeling about the future of agriculture as a career opportunity for young people.

First quarter freshman retention rates coming into the College of Agriculture is 87 percent. Eighty-seven percent of those come back into the College after their first year and the graduation rate is 58 percent. I don't know exactly what the University averages are, but my understanding is that all three of those are above the University average.

We don't have too many minority students in agriculture, in fact a year ago we only had 44 minority students. We have a group of minority students that I'm very, very proud of called "MANERS". MANERS stands for Minorities in Agriculture, Natural Resources, and Related Sciences. They have been outstanding. In fact, they are the outstanding minorities MANERS organization in the country. They won first place last year. And, we're very proud of that. We've asked them to help us in the recruitment of minorities and to show them career opportunities in agriculture. We have increased or doubled that number, but we're still at a low rate.

We do our own advising within the college and we pride ourselves on that. We have a very strong advising program. We have an open door policy within the college. We pride ourselves on the faculty-student relationships that we have within our college.

AGRICULTURAL AFFAIRS REPORT (contd)

RESTRUCTURING OF THE COLLEGE OF AGRICULTURE (contd)

Dr. Moser: (contd)

We have three study abroad programs to expose our students to international activities -- Czechoslovakia, the Dominican Republic, and China. We've just had 16 students return from six weeks in China. They just got back this last week and it was a tremendous experience for them. We normally have anywhere from 15 to 20 students take these study abroad programs and we think this gives them an excellent opportunity to learn and study a different culture.

Our enrollment has been increasing at a steady rate of about 3 to 4 to 5 percent each year since 1988. We hit our peak in numbers in the mid-'70's, then we dropped off in the '80's. And, now it's starting to come back again and we're pleased with what's happening. One thing I'm excited about is there are jobs on the other end when they graduate if they choose agriculture as a career.

Now, the last point I want to make is about one research program. I can talk about a lot of them, but this is one that we are setting as a high priority within our College and that is our food processing -- food science and technology program. It's our top development project right now which Jerry May and his crew has been helping us work on. It's also one of our top capital improvement projects that we've got at the present time. I've brought some props along that I'd like to use. I'll test your skills, Gordon. You know what this is, don't you?

President Gee:

Not the way you're holding it.

Dr. Moser:

Okay. This is an ear of corn. That's what we call a raw product in agriculture. The corn industry in the raw state is a billion dollar industry. If you take all of the agriculture in the raw state, it's a \$4 billion industry. But, if you take this raw product and add value to it and make it a part of the total food processing and marketing distribution -- total food system -- it goes from a \$4 billion to a \$40 billion industry.

One of Ohio's strengths is that we have a very strong agriculture production sector. We also have a very, very strong food processing and industry sector as well in this State. That's a strength that we've got. Many states don't enjoy that, Ohio does. This particular product, as I said, is corn in its raw state, but we're going to take it and add value to it. That's what we're doing right now. To give an example, \$40 billion is 12 percent of the total economic output for the State of Ohio and 15 percent of employment, that's 700,000 jobs and 10 percent of the value added. Also, I want to make a point here, this is how we work with our industry. We really try to make this land-grant system work in our teaching, research, and education programs and taking it out to the industry and seeing what we can do. We're working with increasing corn yields. Yes, we're also adding value to that product as well.

Okay, Gordon, I'll test your skills again. What's this one?

President Gee:

I can't read that far.

AGRICULTURAL AFFAIRS REPORT (contd)

RESTRUCTURING OF THE COLLEGE OF AGRICULTURE (contd)

Dr. Moser:

I'll help you out -- it's corn starch. That's the next step.

President Gee:

Bob, if you have any more of these questions please give me a hint.

Dr. Moser:

That's the next step in adding value to this raw product. Corn is worth \$0.6 a pound and this little box of corn starch costs \$0.99. We're working with that in our food industry center to make this process more environmentally friendly. And, we have a process we're working with now and a company that's supplying some equipment for the research efforts. We have taken the process -- it normally takes twenty-four hours to do -- and cutting it to fifteen minutes. Fifteen minutes to go from an ear of corn to corn starch. Do you know this one, Gordon?

President Gee:

Corn chips!

Dr. Moser:

Okay, corn chips is what we've got here. Again, working with another value added product. And, I've chosen Kroger's corn chips for two reasons: it's an Ohio-based company and their CEO, Dr. Richard Bere, is a graduate of the College of Agriculture. He has a B.S. degree in Animal Science and a graduate degree in agricultural economics. Another value added product made in Ohio. And, we're working with various parts of this particular system to make it more efficient and more environmentally friendly. Okay, Gordon can you do this one? I know you drink this stuff -- it's SLICE. Now, what does this have to do with corn?

President Gee:

Corn syrup.

Dr. Moser:

Hey, you're pretty good. The soft drink industry started using corn fructose, corn syrup, a few years ago. And, it really is again taking this raw product and adding value to it. Now, also there's something else significant about this. The person that developed the soft drink SLICE, by taking fruit juice and adding it to soft drinks -- the first time it's ever been done -- is an alumni of the College of Agriculture, the Department of Food Science. Surinder Kumar, who at that time was the Vice President for Research and Development at Pepsi Co., and is now President of the Research Institute at Warner Lambert. Fructose, raw product, value added, College of Agriculture graduate.

President Gee:

Now, he's going to pull out a College of Agriculture graduate and blow him up or something like that.

AGRICULTURAL AFFAIRS REPORT (contd)

RESTRUCTURING OF THE COLLEGE OF AGRICULTURE (contd)

Dr. Moser:

An area that we haven't even scratched the surface of yet is non-food uses of agricultural products -- biodegradable plastics. We haven't even scratched the surface yet and we're starting to get into that particular end of it in our research program supported by the corn and soy bean growers in this State. Farmers supporting that research.

The last item is Marzetti salad dressing produced just right down the street here. Okay, what does that have to do with corn? Corn oil? That is pretty close, but not quite. It just happens to have soy bean oil in it. What it has to do with corn is a product in here -- if you were to open this up and pour it out, it would have a thickness to it. What makes that thickness is a compound called zanthenum gum, a very expensive compound. It costs about \$6.00 a pound in order to develop this. We have a research project going on right now with the College of Agriculture Food Science Department, and Chemical Engineering working together on this. This is sponsored by the Corn Growers Association in Ohio, to make zanthenum gum out of corn at about a tenth of the cost.

So, we're taking raw products, as you can see, and doing what we can to add value to that raw product through our research and development program and working with Ohio industries in order to get the job done. We think that's a real strength Ohio has and one that we can capitalize upon and really take advantage of.

We're doing what I think land-grant universities should be doing as our research and educational programs reach out to the people in this State. Thank you very much.

Ms. Casto:

Thank you very much. That was an excellent report.

President Gee:

Bobby, let me just say one thing in front of everyone. First of all, the repositioning effort of the College of Agriculture that Bobby is leading is not one that is isolated. It is part of the overall restructuring process of the University and I think it is important for everyone to understand this. Bobby's leadership has been very instrumental. The positive leadership of the faculty and the involvement of our students and staff in this effort has really set a standard for the way that we are moving this process through the rest of the University. I think we all recognize that agriculture is an area in which people have tremendous views about how it should operate. I think the fact that Bobby has reached out to all of the constituents of the University, including our alumni, and brought them on board and to really feel a sense of the positive nature for change in an area of the University that is so enormously important can not be underscored enough. His leadership is absolutely remarkable. It sets a standard for all of the rest of us in this room and elsewhere.

Bobby, I really do thank you for what you're doing, we have a wonderful College of Agriculture. Graphically, I wish that we could make that presentation to a number of people in this State so they could see what we have done to be value added to the quality of life in this State.

AGRICULTURAL AFFAIRS REPORT (contd)

RESTRUCTURING OF THE COLLEGE OF AGRICULTURE (contd)

Dr. Moser:

I might also add that we have two of our students here, Chris and Tonya.

President Gee:

That's right and they are sitting in the back. They are both student leaders of the University, also.

Dr. Moser:

Chris is the President of USG and is one of our students. We're very proud of him. And Tonya will be representing the College of Agriculture in that particular government system.

Mr. Brennan:

How many students do you have in the College?

Dr. Moser:

Right now we have about 3,000 students in our B.S. degree program here in Agriculture and the School of Natural Resources, our graduate program, and the two-year technical school at Wooster.

Mr. Shumate:

Is environmental sciences a new addition?

Dr. Moser:

Not necessarily a new addition, but a new thrust for us, Alex. We think that that is an area that agriculture needs to be dealing with more and more. Primarily from the stand point of food safety, water quality, and clean air issues, and so forth. So, we see moving that from the back burner to the front burner, so to speak, on our agenda. We have excellent scientists that are doing quality work right now in the environmental sciences area. By the way, last year we just implemented an undergraduate science program in the School of Natural Resources and it already has about 150 students in it.

President Gee:

One of the things, Alex, that is significant about this is that a number of institutions around the country are heavily engaged in environmental issues. The thing that we believe that makes us unique is not only the way that we're configuring our thrust in the environment, which is very much on the value added side, but also that we're doing it through a college of agriculture that brings really unique resources in a unique way. So, this is very much focused on the value added and the quality of life issues in a way that very few, if any, institutions are doing right now. And that, again, in terms of uniqueness and opportunity is really quite important for us. Thank you, Bobby, we appreciate it.

AGRICULTURAL AFFAIRS REPORT (contd)

RESTRUCTURING OF THE COLLEGE OF AGRICULTURE (contd)

Dr. Moser:

Thank you.

--0--

STUDENT AFFAIRS COMMITTEE REPORT

Mr. Francisco:

The Student Affairs Committee met this morning and discussed teaching associate education and graduate associate positions with Dr. Bob Arnold, Dean Roy Koenigsknecht, and Nancy Chism. Dr. Arnold talked about the understanding and misconceptions of T.A.'s, Teaching Evaluation forms, and Teaching Fellows.

Dean Koenigsknecht started off by showing us a video on Graduate Associate Teaching Awards, how they are selected, and how he gives out the awards in the classroom like Gordon does for the teachers. He also said something that I thought was very important and that is that 68 percent of our graduating seniors go on to some form of graduate school.

Also, he talked about international T.A.'s and how they have to go through the Spoken English Program which offers mock teaching tests. Since the implementation of this program the complaints that we have had about T.A.'s and T.A. training have really diminished. Dean Koenigsknecht also said that OSU goes beyond Ohio Legislature's standards for T.A. training.

Nancy Chism reported on the activities that her department does to help supplement departments in training their T.A.'s. Some of the training includes: individual and departmental consultation on teaching issues; seminars and workshops; university-wide events; the T.A. orientation held before fall quarter starts; and publications.

Some of the other things, which Gordon has mentioned, is that 18 of our T.A.'s from Ohio State just received leadership awards from the PEW Charitable Trust and the National competition, and they were also present at the national conference. The staff also brings in frequent authors, presenters, and consultants on these issues. The impact of faculty and T.A. development services have been assessed by long-term and short-term studies, and can be documented as having meaningful, positive results on teaching of undergraduates, and the development of future faculty.

We then had our student government leaders' reports. Chris Norman reported today that they are very excited about the plans for the Trustee/Administration Student for a Day coming up in March and April. Also, their first year intern program is doing well. This program is set up to give first year students the opportunity to become part of the student government at the start of the year.

Chris also mentioned that USG is demanding a student voice in the restructuring of the University. USG is also sponsoring the "Red Ribbon Campaign," in conjunction with MADD, the Ohio Farm Bureau, American Greeting Cards, Ohio Insurance Institute, Ohio Department of Public Safety, and Dairy Mart. The motto is "Remember if you are going to drink, don't drive!" And a reminder, tie a red ribbon on your car antenna.

STUDENT AFFAIRS COMMITTEE REPORT (contd)

Mr. Francisco: (contd)

Frank Chloupek, from CGS, reported that there must be adequate faculty interaction and support for teaching at the departmental level. Stipends must be sufficient to allow full-time students to be half-time T.A.'s, especially when a large portion of their stipends are going towards health insurance. Teaching associates need to know their teaching assignments as soon as possible. This year some of the T.A.'s didn't know their assignments until a week before school started.

And, finally, Wesley Bishop, from IPC, reported that they have three outstanding candidates for the Senate Oversight Committee and they are going to name that individual today.

That concludes my report.

Ms. Casto:

Thank you, Mr. Francisco. That was an interesting committee meeting today.

--0--

INVESTMENTS COMMITTEE REPORT

Mr. Shumate:

I would like to call on Jim Nichols to report on the Endowment Portfolio and the Investment Managers meeting.

Mr. Nichols:

Thank you, Mr. Shumate. Under the Investments Committee tab is the report of the Endowment for the last month, covering the period October 15 through November 19. Market value at the end of the period was \$499.4 million, down approximately \$13.9 million from October 15. This is a reflection of the movements in both the stock and the bond markets in a negative way. The equity portion decreased \$10.3 million, while the fixed income portion decreased \$4.5 million. The net new additions to the Endowment for the month were \$1.8 million. I would point out since July 1 the Endowment has increased \$6.3 million, including net additions of \$2.5 million. Current asset allocation remains consistent for what it has been in the past: 59 percent in equities, 26 percent in fixed, 7 percent in real estate, and 8 percent in cash.

Yesterday, the Investments Committee met for five hours to review equity managers and this would be in addition to the four hours they met in October to review fixed income managers. Coming from that meeting was a recommendation of some changes in the amounts of money that are allocated to managers and I would like to cover those with you. They are, again, under the Investments Committee tab entitled, "Reappointment of Investment Managers."

The amount of money available for reallocation was \$70 million due to three reasons: 1) there was a reduction in one manager, which I will talk about in a moment; 2) there was a resignation of a manager approximately three months ago; and 3) we have about \$27 million in non-allocated cash that is available for allocation -- that is money that has come in from new gifts.

INVESTMENTS COMMITTEE REPORT (contd)

Mr. Nichols: (contd)

The following managers have had adjustments and the recommendations are: Boatmen's Trust Company to increase \$5 million; keep the Chicago Corporation and Duff & Phelps at the same particular level; WR Lazard & Company Fixed Income Index Manager to increase \$15 million; R. Meeder & Associates to increase \$5 million; and Nicholas Applegate to increase \$20 million towards small capitalization stocks. The amount of money for University Managed Fixed Income, GNMA's, would remain the same; however, the Committee is recommending that in addition to GNMA's that it also involve the investments of treasuries and agencies.

The University Student Account would be increased by \$2 million over their present allocation of \$5 million. And, I would point out that the Student Account all the way through the process -- not only recently, but since we have brought the students on board three and a half years ago -- has received the same rigorous review that the regular professional managers have. The Committee was inclined, based on their consistent performance over time, to increase their allocation by \$2 million.

Wells Fargo and their small capitalization fund to be increased \$5 million and Wells Fargo, in terms of International Index Equity Fund, \$20 million. Finally, the reference I made at the beginning with regards to reductions is that Wood Island Equity Managers be reduced to a total of \$10 million. Those are presented, Mr. Shumate, for the Board's consideration.

Mr. Shumate:

Are there any questions?

Ms. Casto:

Alex, do we interview Ohio money managers? I noticed that these are all out of state.

Mr. Shumate:

They're not all out of state.

Mr. Nichols:

The Chicago Corporation has a very strong presence in Columbus and is very much involved here; R. Meeder & Associates is located in Dublin and has been here for some time; the students are obviously here; and in addition to that WR Lazard has just opened a Columbus office.

Ms. Casto:

That makes me very happy. Thank you.

Mr. Shumate:

I knew it would, Madam Chair. Are there any other questions?

REAPPOINTMENT OF INVESTMENTS MANAGERS

Resolution No. 94-73

Synopsis: The Investments Committee recommended the approval of the Reappointment of Investment Managers.

WHEREAS it is the policy of The Ohio State University to utilize the services of external Investment Managers to assist in the management of the University's Endowment Fund; and

WHEREAS the Investments Committee of the Board of Trustees periodically reviews the results obtained by the external Investment Managers and the amount of funds assigned to each of them; and

WHEREAS it is prudent investment policy to adjust the mix and amounts of money assigned to external Investment Managers as economic conditions change; and

WHEREAS the Investments Committee has also directed the Treasurer to maintain University Managed equity funds which primarily consist of gifts and a University Managed fixed income fund which consist of GNMA's, U.S. Treasury and Agency Securities; and

WHEREAS the number of external Investment Managers and the amount of funds assigned to them and the Treasurer shall be determined by the Board of Trustees:

NOW THEREFORE

BE IT RESOLVED, That upon the recommendation of the Investments Committee of the Board of Trustees the following named external Investment Managers and the Office of the Treasurer shall be reappointed to counsel in the management of Endowment Fund Investments totaling the initial amounts indicated:

<u>Manager</u>	<u>Allocations</u>	<u>Date</u>	<u>Market Value as of 11/19/93</u>
Boatmen's Trust Company (Fixed Income)	\$10,000,000	12/83	
	10,000,000	4/87	
	5,000,000	10/90	
	<u>5,000,000</u>	12/93	
	<u>\$30,000,000</u>		<u>\$35,192,732</u>
The Chicago Corporation (Equities)	\$10,000,000	10/77	
	7,500,000	7/78	
	(2,500,000)	7/79	
	(5,000,000)	7/81	
	1,000,000	4/83	
	5,000,000	6/86	
	5,000,000	3/87	
	<u>(7,500,000)</u>	5/89	
	<u>\$13,500,000</u>		<u>\$52,220,660</u>
Duff and Phelps Investment Management Company (Fixed Income)	\$10,000,000	7/87	
	<u>5,000,000</u>	3/92	
	<u>\$15,000,000</u>		<u>\$16,717,582</u>
WR Lazard and Company (Fixed Income Index Fund)	\$10,000,000	8/89	
	5,000,000	11/90	
	<u>15,000,000</u>	12/93	
	<u>\$30,000,000</u>		<u>\$16,864,004</u>
R. Meeder and Associates, Inc.	\$15,000,000	8/89	<u>\$18,609,603</u>

REAPPOINTMENT OF INVESTMENTS MANAGERS (contd)

<u>Manager</u>	<u>Allocations</u>	<u>Date</u>	<u>Market Value as of 11/19/93</u>
(Small Capitalization Equity Index Fund)	<u>\$ 5,000,000</u> <u>\$20,000,000</u>	12/93	
Nicholas-Applegate Capital Management Mid Cap Growth (Equities)	\$10,000,000 5,000,000 <u>5,000,000</u> <u>\$20,000,000</u>	6/86 11/90 3/92	<u>\$44,817,531</u>
Nicholas-Applegate Capital Management Small Cap Growth (Equities)	<u>\$20,000,000</u>	12/93	
University Managed (Equities)	<u>\$21,133,942*</u>	varies*	<u>\$56,796,021</u>
University Managed (Fixed Income - GNMA's/Agencies)	\$10,000,000 2,500,000 <u>10,000,000</u> <u>\$22,500,000</u>	7/87 12/90 3/92	<u>\$23,107,589</u>
University Students (Equities)	\$5,000,000 <u>2,000,000</u> <u>\$7,000,000</u>	2/90 12/93	<u>\$7,946,647</u>
Wells Fargo Nikko Investment Advisors (Standard & Poors 500 Equity Index Fund)	\$30,000,000 7,500,000 <u>17,000,000</u> <u>\$54,500,000</u>	10/89 11/90 12/92	<u>\$69,421,587</u>
Wells Fargo Nikko Investment Advisors (Small Capitalization Equity Index Fund)	\$15,000,000 <u>5,000,000</u> <u>\$20,000,000</u>	3/92 12/93	<u>\$17,622,668</u>
Wells Fargo Nikko Investment Advisors (International Equity Index Fund)	<u>\$20,000,000</u>	12/93	
Wood Island Associates, Inc. (Equities)	\$2,000,000 1,500,000 5,300,000 5,000,000 5,000,000 <u>(7,500,000)</u>	1/79 10/79 7/81 4/83 4/86 5/89	
	<u>(1,300,000)**</u> <u>\$10,000,000</u>	12/93	<u>\$42,272,902</u>

*Varies with receipt and sale of gifts

**Market Value reduced to \$10,000,000

Upon motion of Mr. Shumate, seconded by Mr. Celeste, the Board of Trustees adopted the foregoing resolution by unanimous roll call vote.

Mr. Shumate:

Madam Chair, the Development Report, the report on private support to the University for July and October, is in your development section of the notebook. You might recall that last month we reported that gift receipts were 9 percent behind last year's record setting pace. This month we've closed the gap to being only 2 percent behind last year for July and October periods. We expect a strong November and December, and hope to at least match last year's record in the first six month total.

There are a number of encouraging highlights to be particularly noted in the report: 1) the number of donors continues to be greater than one year ago, up 35 percent; 2) corporate giving is strong, up 18 percent; 3) gifts from non-alumni individuals are up 27 percent; and 4) private foundation giving is up 28 percent.

Are there any questions? If not, I would like to recommend to the Board the establishment of eleven new named endowed funds totalling \$1,820,677 in restricted support to the University. I'm also requesting the revision of eight named endowed funds.

REPORT ON UNIVERSITY DEVELOPMENT

Resolution No. 94-74

Synopsis: The report on the receipt of gifts and the summary for October 1993 are presented for Board acceptance.

WHEREAS monies are solicited and received on behalf of the University from alumni, industry, and various individuals in support of research, instructional activities, and service; and

WHEREAS such gifts are received through The Ohio State University Development Fund and The Ohio State University Foundation; and

WHEREAS this report includes the establishment of eleven (11) new named endowed funds, amendments to seven (7) endowed funds, and one (1) chair:

NOW THEREFORE

BE IT RESOLVED, That the acceptance of the report from The Ohio State University Development Fund and The Ohio State University Foundation during the month of October 1993 be approved.

Upon motion of Mr. Shumate, seconded by Amb. Wolf, the Board of Trustees adopted the foregoing resolution by unanimous voice vote.

REPORT ON UNIVERSITY DEVELOPMENT (contd)

SUMMARY

TOTAL UNIVERSITY PRIVATE SUPPORT

July-October
1992 compared to 1993

GIFT RECEIPTS BY DONOR TYPE

		Dollars July through October	
	<u>1992</u>	<u>1993</u>	<u>% Change</u>
Individuals:			
Alumni (Current Giving)		\$3,790,404	\$2,086,016
Alumni (From Bequests)		<u>548,381</u>	<u>554,242</u>
Alumni Total	\$4,338,785	\$2,640,258	(39)
Non-Alumni (Current Giving)		\$1,311,167	\$1,899,758
Non-Alumni (From Bequests)		<u>1,452,578</u>	<u>1,604,225</u>
Non-Alumni Total		\$2,763,745	\$3,503,983
Individual Total		\$7,102,530	\$6,144,241
Corporations/Corp Foundations		\$4,694,905	\$5,530,272
Private Foundations		\$1,311,571	\$1,674,906
Associations & Other Organizations		\$1,266,013	<u>\$ 767,877</u>
TOTAL		\$14,375,019	\$14,117,296

NOTES

- A Contributions from non-alumni individuals is up 27% this year due to several cash gifts exceeding \$100,000. However overall individual giving is down 13% compared to the July-October period one year ago. This is largely due to an irrevocable trust of \$2.1 million which was received in September 1992 that has yet to be matched by any single individual gift this year.
- B Corporation giving at the \$10,000 or more level is up 24% for the first months of FY94 (\$3,087,041 last year compared to \$3,840,390 this year).
- C Giving from private foundations at the \$10,000 or more level is up 40% for the first four months of FY94 (\$1,485,488 this year compared to \$1,061,141 last year).
- D During July-October 1992, thirty associations or other organizations gave \$10,000 or more (\$862,789). This year only twenty-two gave \$10,000 or more (\$465,755).

(Note: Of the \$14,117,296 in current year gift receipts, \$199,748 or 1% is the result of the payment of pledges from The Ohio State University Campaign).

REPORT ON UNIVERSITY DEVELOPMENT (contd)

SUMMARY

TOTAL UNIVERSITY PRIVATE SUPPORT

July-October
1992 compared to 1993

GIFT RECEIPTS BY PURPOSE

	Dollars July through October		
	<u>1992</u>	<u>1993</u>	<u>% Change</u>
Gift Additions to Endowments:	\$5,463,389	\$3,880,626	(29)
Gifts to Current Use Funds:			
Buildings/Equipment	\$1,052,468	\$1,209,225	15
Program Support	\$4,989,612	\$5,144,828	3
Student Financial Aid	\$1,286,953	\$1,386,261	8
Annual Funds-Colleges/Departments	\$1,402,892	\$2,179,277	55
Annual Funds-University	\$ <u>179,705</u>	\$ <u>317,079</u>	(26)
Total	\$14,375,019	\$14,117,296	(2)

REPORT ON UNIVERSITY DEVELOPMENT (contd)

THE OHIO STATE UNIVERSITY DEVELOPMENT FUND

Establishment of Named Endowed Funds

	<u>Previous Gifts</u>	<u>Current Gifts</u>	<u>Total Gifts</u>
The Adda Alderman Price Memorial & Cancer Endowment Fund (Arthur G. James Cancer Hospital & Research Institute)		\$574,777.40	\$574,777.40
C. Vernon Price Memorial Medical Endowment Fund (College of Medicine)		\$574,777.40	\$574,777.40
Cancer Research Advancement Endowment Fund (Arthur G. James Cancer Hospital & Research Institute)		\$170,947.00	\$170,947.00

REPORT ON UNIVERSITY DEVELOPMENT (contd)

THE OHIO STATE UNIVERSITY DEVELOPMENT FUND (contd)

Establishment of Named Endowed Funds (contd)

The Hugh Edgar Kline - Wayne County 4-H Program Fund (Wayne County 4-H Program - 4-H and Cooperative Extension)	\$168,967.34	\$168,967.34
The Milk Marketing Inc. Agriculture and Human Ecology Fund (Scholarship & Program Support - Colleges of Agriculture & Human Ecology)	\$145,000.00	\$145,000.00
The Milk Marketing Inc. 4-H Fund (Program Support - 4-H and University Extension)	\$ 55,000.00	\$ 55,000.00
College of Dentistry High Ability Scholars Fund (Scholarships - College of Dentistry)	\$ 45,453.95	\$ 45,453.95
College of Dentistry Student Research Fund (Student Research Projects - College of Dentistry)	\$ 45,453.95	\$ 45,453.95
The Food Service and Technology Building Fund (Food Science and Technology Building Project - College of Agriculture)	\$ 15,300.00	\$ 15,300.00
The Transportation Research Center of Ohio Investment Endowment Fund		

Change in Name and Description of Named Endowed Funds

From: The William E. Copeland Fund In Obstetrics and Gynecology
To: The William E. Copeland Fund, Sr. In Obstetrics and Gynecology

Change in Name and Description of Named Endowed Funds (contd)

From: Delta Omicron Scholarship Fund
To: Delta Omicron Memorial Scholarship Fund

From: The Baker & Hostetler Law Library and Building Fund
To: John D. Drinko - Baker & Hostetler Building Fund

Change in Description of Named Endowed Funds

The Lawrence and Isabel Barnett Distinguished Visiting Professor Fund
in Arts Policy and Administration
The Lawrence and Isabel Barnett Fellowship Fund
James E. Chapman - Baker & Hostetler Law Library Fund

REPORT ON UNIVERSITY DEVELOPMENT (contd)

THE OHIO STATE UNIVERSITY DEVELOPMENT FUND (contd)

Change in Description of Chair

The Newton D. Baker - Baker & Hostetler Chair in Law

THE OHIO STATE UNIVERSITY FOUNDATION

Approval of Description and Establishment of Named Endowed Fund

The Dairy and Nutrition Council Endowment for Education In Nutrition (Program Support - College of Medicine)	\$ 25,000.00	\$ 25,000.00
--	--------------	--------------

Change in Description of Named Endowed Chair

The John Deaver Drinko - Baker & Hostetler Chair in Law

THE OHIO STATE UNIVERSITY DEVELOPMENT FUND

Establishment of Named Endowed Funds

The Adda Alderman Price Memorial Cancer Endowment Fund

The Adda Alderman Price Memorial Cancer Endowment Fund for The Arthur G. James Cancer Hospital and Research Institute was established December 3, 1993 by the Board of Trustees of The Ohio State University with a gift to The Ohio State University Development Fund from the Estate of Elnora L. Price.

All gifts are to be invested in the University's permanent endowment fund, under the rules and regulations adopted by the Board of Trustees of The Ohio State University, with the right to invest and reinvest as occasion dictates.

The principal and income shall be used to support work in The Arthur G. James Cancer Hospital and Research Institute or in such other manner and form as the University may from time to time determine in connection with the disease of cancer and its diagnosis, prevention, treatment and cure, as approved by the Director of The Arthur G. James Cancer Hospital and Research Institute and the Vice President for Health Services.

It is the desire of the donor that this fund should benefit the University in perpetuity. If the need for this fund should cease to exist or so diminish as to provide unused income, then another use shall be designated by the Board of Trustees in consultation with the Director of The Arthur G. James Cancer Hospital and Research Institute and the Vice President for Health Services in order to carry out the desire of the donor.

\$574,777.40

C. Vernon Price Memorial Medical Endowment Fund

The C. Vernon Price Memorial Medical Endowment Fund was established December 3, 1993 by the Board of Trustees of The Ohio State University with gifts to The Ohio State University Development Fund in support of the College of Medicine from the estate of Elnora L. Price, Columbus, Ohio.

REPORT ON UNIVERSITY DEVELOPMENT (contd)

THE OHIO STATE UNIVERSITY DEVELOPMENT FUND (contd)

Establishment of Named Endowed Funds (contd)

C. Vernon Price Memorial Medical Endowment Fund (contd)

All gifts are to be invested in the University's Permanent Endowment Fund, under the rules and regulations adopted by the Board of Trustees of The Ohio State University with the right to invest and reinvest as occasion dictates.

The principal and income shall be used from time to time in connection with diseases of the heart and circulatory system, their diagnosis, prevention, treatment and cure as may be determined by the Dean of the College of Medicine.

It is the desire of the donor that this fund should benefit the University in perpetuity. If the need for this fund should cease to exist or so diminish as to provide unused income, then another use shall be designated by the Board of Trustees in consultation with the Dean of the College of Medicine, or program administrative officer in order to carry out the desire of the donor.

\$574,777.40

Cancer Research Advancement Endowment Fund

The Cancer Research Advancement Endowment Fund for The Arthur G. James Cancer Hospital and Research Institute was established December 3, 1993 by the Board of Trustees of The Ohio State University with gifts to The Ohio State University Development Fund.

All gifts are to be invested in the University's permanent endowment fund, under the rules and regulations adopted by the Board of Trustees of The Ohio State University with the right to invest and reinvest as occasion dictates.

The annual income shall be used to support work in The Arthur G. James Cancer Hospital and Research Institute or in such other manner and form as the University may from time to time determine in connection with the disease of cancer and its diagnosis, prevention, treatment and cure, as approved by the Director of The Arthur G. James Cancer Hospital and Research Institute and the Vice President for Health Services.

It is the desire of the donor(s) that this fund should benefit the University in perpetuity. If the need for this fund should cease to exist or so diminish as to provide unused income, then another use shall be designated by the Board of Trustees in consultation with the Director of The Arthur G. James Cancer Hospital and Research Institute and the Vice President for Health Services in order to carry out the desire of the donor(s).

\$170,947.00

The Hugh Edgar Kline - Wayne County 4-H Program Fund

The Hugh Edgar Kline - Wayne County 4-H Program Fund was established December 3, 1993 by the Board of Trustees of The Ohio State University, with a gift to The Ohio State University Development Fund from the estate of Hugh Edgar Kline of Jeromesville, Ohio.

All gifts are to be invested in the University's Permanent Endowment Fund, under the rules and regulations adopted by the Board of Trustees of The Ohio State University, with the right to invest and reinvest as occasion dictates.

REPORT ON UNIVERSITY DEVELOPMENT (contd)

THE OHIO STATE UNIVERSITY DEVELOPMENT FUND (contd)

Establishment of Named Endowed Funds (contd)

The Hugh Edgar Kline - Wayne County 4-H Program Fund (contd)

The annual income shall be used by the Wayne County 4-H Program, Wayne County, Ohio, for awards to the top/outstanding 4-H boys and girls who have been involved with the 4-H program for a minimum of five years and who are exhibitors at the Wayne County Fair, Wayne County, Ohio. Selection of the award recipients and the designated number of awards shall be determined by the Wayne County 4-H Committee and county extension agents for the 4-H program in Wayne County, Ohio. Funds not expended in any given year on 4-H program awards as previously described may be used to support other 4-H program efforts during the course of the year. Alternative use of the income shall be the responsibility of the Wayne County 4-H Committee and county extension agents for the 4-H program in Wayne County, Ohio.

It is the desire of the donor that this fund should benefit the University and its Wayne County 4-H Program in perpetuity. If the need for this fund should cease to exist or so diminish as to provide unused income, then the income may be used for any purpose whatsoever, as determined by the Board of Trustees, with preference being given to the recommendations from the appropriate administrative official of the university who is the director for the Ohio State University Extension in consultation with a committee representing the local 4-H donors.

\$168,967.34

The Milk Marketing Inc. Agriculture and Human Ecology Fund

The Milk Marketing Inc. Agriculture and Human Ecology Fund was established on December 3, 1993 by the Board of Trustees of The Ohio State University, with gifts to The Ohio State University Development Fund from Milk Marketing Inc., Strongsville, Ohio.

All gifts are to be invested in the University's permanent endowment fund, under the rules and regulations adopted by the Board of Trustees of The Ohio State University, with the right to invest and reinvest as occasion dictates.

The annual income shall be used to support programs and scholarships within the College of Agriculture and the College of Human Ecology. Support shall include at least one scholarship in each of these areas: Dairy Science, Agricultural Economics, and ATI Dairy in the College of Agriculture and in either Human Nutrition or Home Economics Education in the College of Human Ecology. Support shall also include ATI and OARDC programs, LEAD, and other priority programs identified by the Vice President, Agricultural Administration and the CEO, Milk Marketing Inc., or their designee or its successor organization. Annual awards will be directed by the Vice President, Agricultural Administration or their designee in consultation with the CEO, Milk Marketing, Inc., or their designee or its successor organization. Scholarship and award recipients shall be selected annually by the Vice President for Agricultural Administration or their designee, the Dean, College of Human Ecology or their designee, and the Director, ATI or their designee and MMI designee, in consultation with the University Committee on Student Financial Aid.

It is the desire of the donor that this fund should benefit the University in perpetuity. If the need for this fund should cease to exist or so diminish as to provide unused income, then another use shall be designated by the Board of Trustees in consultation with the Vice President, Agricultural Administration in order to carry out the desire of the donor.

\$145,000.00

REPORT ON UNIVERSITY DEVELOPMENT (contd)

THE OHIO STATE UNIVERSITY DEVELOPMENT FUND (contd)

Establishment of Named Endowed Funds (contd)

The Milk Marketing Inc. 4-H Fund

The Milk Marketing Inc. 4-H Fund was established on December 3, 1993 by the Board of Trustees of The Ohio State University with gifts to The Ohio State University Development Fund from Milk Marketing Inc., Strongsville, Ohio.

All gifts are to be invested in the University's permanent endowment fund, under the rules and regulations adopted by the Board of Trustees of The Ohio State University, with the right to invest and reinvest as occasion dictates.

The annual income shall be used to support programs within the Ohio State University Extension state 4-H program including but not exclusively the 4-H Dairy Award, 4-H Congress, National 4-H Center and programs, Dairy Conference, and annual needs. Annual distribution shall be directed by the State 4-H Leader, in conjunction with the Ohio 4-H Foundation Board of Trustees with final approval by the director of Ohio State University Extension or his/her designee in consultation with the CEO, Milk Marketing Inc., or its successor organization and/or designee.

It is the desire of the donor that this fund should benefit the University in perpetuity. If the need for this fund should cease to exist or so diminish as to provide unused income, then another use shall be designated by the Board of Trustees in consultation with the Vice President for Agricultural Administration in order to carry out the desire of the donor.

\$55,000.00

College of Dentistry High Ability Scholars Fund

The College of Dentistry High Ability Scholars Fund was established December 3, 1993 by the Board of Trustees of The Ohio State University with a gift from the estate of Dr. James A. Rumbaugh, (D.D.S. '41), professor emeritus of the College of Dentistry.

All gifts are to be invested in the University's permanent endowment fund, under the rules and regulations adopted by the Board of Trustees of The Ohio State University with the right to invest and reinvest as occasion dictates.

The income is to be used to provide scholarships for dental students with high ability regardless of their financial need status. The intent is to use these funds to attract outstanding students who will improve the overall academic quality and environment of the College through their enrollment. The selection of a recipient will be based on appropriate measures of previous scholarship as determined by consultation between Academic Affairs and Admissions in the College of Dentistry and in consultation with the Committee on Student Financial Aid.

It is the desire of the donor that this fund should benefit the University in perpetuity. If the need for this fund should cease to exist or so diminish as to provide unused income, then another use shall be designated by the Board of Trustees in consultation with the Dean of the College of Dentistry.

\$45,453.95

REPORT ON UNIVERSITY DEVELOPMENT (contd)

THE OHIO STATE UNIVERSITY DEVELOPMENT FUND (contd)

Establishment of Named Endowed Funds (contd)

College of Dentistry Student Research Fund

The College of Dentistry Student Research Fund was established December 3, 1993, by the Board of Trustees of The Ohio State University with a gift from the estate of Dr. James A. Rumbaugh, (D.D.S. '41), professor emeritus of the College of Dentistry.

All gifts are to be invested in the University's permanent endowment fund, under the rules and regulations adopted by the Board of Trustees of The Ohio State University with the right to invest and reinvest as occasion dictates.

The income is to be used to support summer research projects conducted by students in the College of Dentistry and/or the Division of Dental Hygiene. Awards will be made to students whose projects are judged to be exemplary as determined by those with oversight for these programs and designated by the dean. The award may be used for stipends, supplies, travel, publications, or other research related needs.

It is the desire of the donor that this fund should benefit the University in perpetuity. If the need for this fund should cease to exist or so diminish as to provide unused income, then another use shall be designated by the Board of Trustees in consultation with the Dean of the College of Dentistry.

\$45,453.95

The Food Science and Technology Building Fund

The Food Science and Technology Building Fund was established on December 3, 1993 by the Board of Trustees of The Ohio State University with gifts to The Ohio State University Development Fund from the food industry, alumni, and friends of the College of Agriculture.

All gifts are to be invested in the University's permanent endowment fund, under the rules and regulations adopted by the Board of Trustees of The Ohio State University, with the right to invest and reinvest as occasion dictates.

The annual income shall be added to the principal until the University makes a final determination on the financing arrangements of the Food Science and Technology building project. The Vice President for Agricultural Administration, or his/her designee reserves the right to invade the principal to cover building-related costs and fees following the final determination of the financing arrangements. Remaining funds shall be used for support of the Food Science and Technology program.

It is the desire of the donors that this fund should benefit the University in perpetuity. If the need for this fund should cease to exist or so diminish as to provide unused income, then another use shall be designated by the University's Board of Trustees in consultation with the Vice President for Agriculture Administration in order to carry out the desire of the donors.

\$15,300.00

REPORT ON UNIVERSITY DEVELOPMENT (contd)

THE OHIO STATE UNIVERSITY DEVELOPMENT FUND (contd)

Establishment of Named Endowed Funds (contd)

The Transportation Research Center of Ohio (TRC)
Investment Endowment Fund

The Transportation Research Center of Ohio (TRC) Investment Endowment Fund was established December 3, 1993 by the Board of Trustees of The Ohio State University with excess funds from TRC. The original investment of funds occurred in March 1988.

All monies are to be invested in the University's permanent endowment fund under the rules and regulations adopted by the Board of Trustees of The Ohio State University with the right to invest and reinvest as occasion dictates.

TRC will invest their excess funds in The Ohio State University Endowment Fund as a long-term investment, although it is understood that TRC may withdraw funds it should require due to unforeseen and extraordinary circumstances. Income shall be used at the discretion of TRC.

Change in Name and Description of Named Endowed Funds

The William E. Copeland, Sr. Fund in Obstetrics and Gynecology

The William E. Copeland Fund in Obstetrics and Gynecology was established September 7, 1973, by the Board of Trustees of The Ohio State University with gifts to The Ohio State University Development Fund from William E. Copeland, Sr., M.D., Columbus, Ohio. The name and description were revised December 3, 1993.

All gifts are to be invested in the University's permanent endowment fund, under the rules and regulations adopted by the Board of Trustees of The Ohio State University, with the right to invest and reinvest as occasion dictates.

The income shall support an annual educational program called the William E. Copeland, Sr. Scholar Program in the Department of Obstetrics and Gynecology. A distinguished visiting scholar of national and international prominence in the area of reproductive medicine will be invited each year to participate in teaching residents, house staff and fellows of the Department of Obstetrics and Gynecology for a minimum of one week. Income shall be distributed by recommendation of the Chairperson of the Department of Obstetrics and Gynecology and approved by the Dean of the College of Medicine.

It is the desire of the donor that this fund should benefit the University in perpetuity. If the need for this fund should cease to exist or so diminish as to provide unused income, then another use shall be designated by the Board of Trustees in consultation with the Dean of the College of Medicine, the Chairperson of the Department of Obstetrics and Gynecology, or program administrative officer in order to carry out the desire of the donor.

Delta Omicron Memorial Scholarship Fund

The Delta Omicron Scholarship Fund was established July 11, 1956 with gifts to The Ohio State University Development Fund from the Zeta Beta Chapter of Delta Omicron, Columbus, Ohio. The name and description were revised December 3, 1993.

REPORT ON UNIVERSITY DEVELOPMENT (contd)

THE OHIO STATE UNIVERSITY DEVELOPMENT FUND (contd)

Change in Name and Description of Named Endowed Funds (contd)

Delta Omicron Memorial Scholarship Fund (contd)

All gifts are to be invested in the University's permanent endowment fund, under the rules and regulations adopted by the Board of Trustees of The Ohio State University, with the right to invest and reinvest as occasion dictates.

The annual income is to be used to provide an annual scholarship for one non-professional fraternity-affiliated undergraduate or graduate student in The Ohio State University School of Music with a 3.0 grade point average or higher. Unused income shall be transferred to the principal.

While enrolled at The Ohio State University, members of non-OSU chapters of Delta Omicron shall be eligible for consideration for the scholarship. Should Chi Chapter become re-activated at The Ohio State University, Chi Chapter members shall become exclusive recipients of the scholarship. The scholarship recipient will be chosen by the School of Music scholarship committee in cooperation with the Scholarship Committee of the Zeta Beta Chapter of Delta Omicron and, if such position exists, the Chi Chapter Faculty Advisor, in consultation with the Committee on Student Financial Aid.

It is the desire of the donor(s) that this fund should benefit the University in perpetuity. If the need for this fund should cease to exist or so diminish as to provide unused income, then another use shall be designated by the Board of Trustees in consultation with the appropriate administrative official who is directly responsible for the School of Music.

John D. Drinko - Baker & Hostetler Building Fund

The Mildred S. and Noel F. George Fund was established September 3, 1982, by the Board of Trustees of The Ohio State University with a gift to The Ohio State University Development Fund from the Kaplan-Halpert Foundation of Cleveland, Ohio, through the generosity of Noel F. George (J.D. '32), a trustee of the Foundation, on the occasion of his 50th anniversary of graduation from the College of Law. The name was changed to The Noel F. George - Baker & Hostetler Law Library Fund on February 7, 1986. The name was further changed to The Baker & Hostetler Law Library and Building Fund on June 3, 1988. The original description was revised August 23, 1989, and further revised February 2, 1990. On December 3, 1993, the name was changed to the John D. Drinko - Baker & Hostetler Building Fund and the description was revised.

All gifts are to be invested in the University's Permanent Endowment Fund, under the rules and regulations adopted by the Board of Trustees of The Ohio State University, with the right to invest and reinvest as occasion dictates.

The annual income and principal shall be used by the Dean of the College of Law for the Law Building Addition and Renovation project.

Should the need for this fund cease to exist or so diminish as to provide unused income, then the income may be used for any purpose whatsoever as determined by the Board of Trustees, with preference being given to recommendations from the appropriate administrative official of the University who is then directly responsible for legal education.

REPORT ON UNIVERSITY DEVELOPMENT (contd)

THE OHIO STATE UNIVERSITY DEVELOPMENT FUND (contd)

Change in Description of Named Endowed Funds

The Lawrence and Isabel Barnett Distinguished Visiting Professor Fund in Arts Policy and Administration

The Lawrence and Isabel Barnett Distinguished Visiting Professor Fund in Arts Policy and Administration was established May 7, 1993 by the Board of Trustees of The Ohio State University with gifts to The Ohio State University Development Fund from Lawrence R. Barnett (B.S.Bus.Adm. '88) and Isabel Barnett of Rye, New York. The fund was revised December 3, 1993.

All gifts are to be invested in the University's permanent endowment fund, under the rules and regulations adopted by the Board of Trustees of The Ohio State University, with the right to invest and reinvest as occasion dictates.

The annual income shall be used to support the teaching and other work of the Lawrence and Isabel Barnett visiting professor in Art Policy and Administration. The visiting professor shall be nationally and internationally recognized in the academic or arts community with expertise and experience in the business and policy aspects of the arts.

Duties of the visiting professor shall include, but is not limited to, teaching classes, seminars and workshops; meeting with individual and groups of students; giving public lectures; and participating in symposium and University arts community functions.

Appointment to the visiting professor position shall be made by the Dean of the College of the Arts and the Director of the School of Public Policy and Management upon recommendation of a faculty and student committee with representatives from the College of the Arts and the School of Public Policy and Management.

It is the desire of the donors that this fund should benefit the University in perpetuity. If the need for this fund should cease to exist or so diminish as to provide unused income, then another use shall be designated by the Board of Trustees in consultation with the Dean of the College of the Arts and Director of the School of Public Policy and Management in order to carry out the desire of the donors.

The Lawrence and Isabel Barnett Fellowship Fund

The Lawrence and Isabel Barnett Fellowship Fund was established March 6, 1992, by the Board of Trustees of The Ohio State University, with gifts to The Ohio State University Development Fund from Lawrence R. Barnett (B.S. Bus.Adm. '88) and Isabel Barnett of Rye, New York. The fund was revised December 3, 1993.

All gifts are to be invested in the University's permanent endowment fund, under the rules and regulations adopted by the Board of Trustees of The Ohio State University, with the right to invest and reinvest as occasion dictates.

The annual income shall be used to fund a yearly fellowship for a graduate student enrolled or planning to enroll in the Master of Arts in Arts Policy and Administration. Students shall be selected on merit, with preference for a student with need. This is a dual, interdisciplinary degree program within the College of the Arts and the School of Public Policy and Management. The fellowship recipient shall be selected by the Dean of the College of the Arts and the Director of the School of Public Policy and Management, or his/her designee, and in consultation with the University Committee on Student Financial Aid.

REPORT ON UNIVERSITY DEVELOPMENT (contd)

THE OHIO STATE UNIVERSITY DEVELOPMENT FUND (contd)

Change in Description of Named Endowed Funds (contd)

The Lawrence and Isabel Barnett Fellowship Fund (contd)

It is the desire of the donors that this fund should benefit the University in perpetuity. If the need for this fund should cease to exist or so diminish as to provide unused income, then another use shall be designated by the Board of Trustees in consultation with the appropriate college dean and School of Public Policy and Management director in order to carry out the desire of the donors.

James E. Chapman - Baker & Hostetler Law Library Fund

The James E. Chapman - Baker & Hostetler Law Library Fund was established February 2, 1990 by the Board of Trustees of The Ohio State University with gifts to The Ohio State University Development Fund from James E. Chapman (B.S. Bus.Adm. '53, J.D. '54); John D. Drinko (J.D. '44), Baker & Hostetler and friends. The description was revised December 3, 1993.

All gifts are to be invested in the University's Permanent Endowment Fund, under the rules and regulations adopted by the Board of Trustees of The Ohio State University, with the right to invest and reinvest as occasion dictates.

The annual income shall be used at the discretion of the Dean of the College of Law for the Law Library.

It is the desire of the donors that this fund should benefit the University in perpetuity. If the need for this fund should cease to exist or so diminish as to provide unused income, then another use shall be designated by the Board of Trustees in consultation with the appropriate college dean, department chairperson, or program administrative officer in order to carry out the desire of the donors.

Change in Description of Chair

The Newton D. Baker - Baker & Hostetler Chair in Law

The Newton D. Baker Memorial Fund was established on February 1, 1974 by the Board of Trustees of The Ohio State University with initial gifts from John D. Drinko, Baker & Hostetler and friends in memory of the firm's founder, Newton D. Baker, who was also a loyal benefactor and chairperson of the Board of Trustees of The Ohio State University. The name and description were revised on February 7, 1986 and August 23, 1989. The description was further revised on December 3, 1993.

All gifts are to be invested in the University's Permanent Endowment Fund under the rules and regulations adopted by the Board of Trustees of The Ohio State University, with the right to invest and reinvest as occasion dictates.

The annual income shall be used to support The Newton D. Baker - Baker & Hostetler Chair in Law. The chair is created to recognize the work of a distinguished scholar and teacher in the College of Law. Appointment to The Newton D. Baker - Baker & Hostetler Chair in Law will be recommended to the Provost by the Dean of the College of Law for approval by the Board.

Should the need for this fund cease to exist or so diminish as to provide unused income, then the income may be used for any purpose whatsoever as determined by the Board of Trustees, with preference being given to recommendations from the appropriate administrative official for the University who is then directly responsible for law education.

REPORT ON UNIVERSITY DEVELOPMENT (contd)

THE OHIO STATE UNIVERSITY FOUNDATION

Approval of Description and Establishment of Named Endowed Fund

The Dairy and Nutrition Council Endowment for Education in Nutrition

The Dairy and Nutrition Council Endowment for Education in Nutrition was established December 3, 1993 by the Board of Trustees through funds received by the University from The Ohio State University Foundation, which has established an endowed fund with gifts designated for the support of the College of Medicine from the Dairy and Nutrition Council.

Income provided by the Foundation shall be used to enhance medical student education primarily MED I and II programs through the support of visiting professor(s) or other nutrition education programs as deemed appropriate. Selection of the visiting professor(s) or other nutrition program, will be made by the Dean of the College of Medicine, or his designee, in consultation with the appointed Dairy and Nutrition Council representative.

\$25,000.00

Change in Description of Named Endowed Chair

The John Deaver Drinko - Baker & Hostetler Chair in Law

The John Deaver Drinko - Baker & Hostetler Chair in Law was established March 7, 1986, by the Board of Trustees of The Ohio State University with gifts to The Ohio State University Development Fund from John D. Drinko (JD '44) and Elizabeth Gibson Drinko, Baker & Hostetler and friends. The fund was revised and transferred to the University Foundation on May 7, 1987, in accordance with the guidelines approved by the Board of Directors of The Ohio State University Foundation. The description was further revised on March 2, 1990 and December 3, 1993.

All gifts are to be invested by the Foundation under the rules and regulations adopted by the Foundation's Board of Directors, with the right to invest and reinvest as occasion dictates.

The annual income shall be used for salary and program support for a distinguished teacher and scholar in the College of Law. The fund's principal may not be reduced below \$1,250,000.

Should the need for this fund cease to exist or so diminish as to provide unused income, then the income may be used by the College of Law for such purposes as may be determined by the Foundation Board, with preference being given to recommendations from the appropriate administrative official of the College of Law.

--0--

FISCAL AFFAIRS COMMITTEE REPORT

Mr. Skestos:

Madam Chair, I expect my report not to take much time since Mr. Shkurti is not going to speak to us today. Our Committee met earlier this morning and we heard the annual report on capital projects. It was an excellent report given by Ms. Morelli. I would like to now call on Janet Pichette to summarize the report for you.

Ms. Pichette:

Thank you, Mr. Chairman. Included in your agenda mailing was the annual report by the University Architect's office on the status of capital projects under way during the past year. The report outlines our work on 217 projects, totalling over \$570 million. The report is organized into four sections: 1) newly emerging projects still in the conceptual or early planning stages; 2) projects in design; 3) projects under construction; and 4) projects completed during the year. There's a listing of all projects in the category and for each project over a million dollars we have included a project data sheet. If you would like data sheets for projects under a million dollars, we would be happy to provide you with that. It also shows you the points where the Board has the involvement in all of these stages.

Earlier this morning at the Fiscal Affairs Committee meeting Jill Morelli, the University Architect, gave an informative slide presentation highlighting several of the projects noted in the report, including Hale Hall Renovation, Ambulatory Care Facility, Dreese Lab, and Derby Hall Renovation, just to name a few. Jill and I would welcome any questions about this report and any comments you might have on how we may make it more useful for you.

The following resolution will authorize employment of architects and request for bids to move forward on seven projects listed. We ask for your approval to request bids and award contracts for these projects.

**EMPLOYMENT OF ARCHITECTS/ENGINEERS AND
REQUEST FOR CONSTRUCTION BIDS**

Resolution No. 94-75

Synopsis: The Fiscal Affairs Committee recommended authorization to employ architects/engineers and request construction bids for the listed projects:

BRICKER HALL ELEVATOR REPLACEMENT;
JESSE OWENS RECREATION CENTERS IMPROVEMENTS;
1314 KINNEAR ROAD MASONRY IMPROVEMENTS;
TAYLOR TOWER - CURL DRIVE MALLWAY IMPROVEMENTS;
ATI LIVESTOCK BARN RENOVATION AND LAND IMPROVEMENTS;
RHODES HALL SELF CONTAINED BIRTHING CENTER; AND
RADIATION DOSIMETRY CALIBRATION FACILITY

WHEREAS the University desires to proceed with the removal of the northwest elevator car, provide for a replacement elevator in the same location to serve all floors in Bricker Hall and meet ADA requirements and following installation, remove from services the east elevator, which cannot be upgraded to meet code; and

WHEREAS the total estimated project cost is \$150,000, and total estimated construction cost is \$128,500; with funding provided by House Bill 904; and

WHEREAS the University desires to proceed with exterior renovations on the three Jesse Owens Recreation Centers to include removal and replacement of all rotting and mildewed exterior wood, staining and varnishing of the exterior, additional perimeter safety lighting, and modification or replacement of the exterior doors for the three centers; and

WHEREAS the total estimated project cost is \$450,000, the total estimated construction cost is \$375,000; with funding provided by House Bill 904; and

**EMPLOYMENT OF ARCHITECTS/ENGINEERS AND
REQUEST FOR CONSTRUCTION BIDS (contd)**

BRICKER HALL ELEVATOR REPLACEMENT;
JESSE OWENS RECREATION CENTERS IMPROVEMENTS;
1314 KINNEN ROAD MASONRY IMPROVEMENTS;
TAYLOR TOWER - CURL DRIVE MALLWAY IMPROVEMENTS;
ATI LIVESTOCK BARN RENOVATION AND LAND IMPROVEMENTS;
RHODES HALL SELF CONTAINED BIRTHING CENTER; AND
RADIATION DOSIMETRY CALIBRATION FACILITY (contd)

WHEREAS the University desires to proceed with masonry improvements at 1314 Kinnear Road;
and

WHEREAS the total estimated project cost is \$220,000, and the total estimated construction cost is \$203,600; with funding provided by House Bill 904; and

WHEREAS the University desires to proceed with renovation of the mallway from Taylor Tower to Curl Drive to include new pavement, walls, plantings, park benches, bike racks, and general lighting;
and

WHEREAS the total estimated project cost is \$230,000, and the total estimated construction cost is \$212,900; with funding provided by House Bill 904; and

WHEREAS at the Agricultural Technical Institute's Apple Creek Farm, the University desires to proceed with the renovation of the beef barns and the swine finishing barn, the construction of a new bunker silo at the dairy barn, and land improvements to fields including grading, shaping, cleaning ditches, tiling, and culvert replacement; and

WHEREAS the total estimated project cost is \$66,490, and the total estimated construction cost is \$60,000; with funding provided by House Bill 904; and

WHEREAS the University desires to proceed with the construction of a self-contained birthing center on the southwest end of the seventh floor of Rhodes Hall to include a family room with hide-a-bed for emergency delivery, kitchen facilities, toilet facility with jacuzzi tub, birthing room, office, triage area, and storage; and

WHEREAS the total estimated project cost is \$400,000, and the total estimated construction cost is \$325,000, with funding provided by University Hospitals; and

WHEREAS the University desires to construct a facility in the vicinity of the 1314 Kinnear Road Building to house the nuclear engineering program; and

WHEREAS the total estimated project cost is \$250,000, and the total estimated construction cost is \$215,000, with funding provided by Ohio Emergency Management Agency (\$176,000), Office of Research (\$14,000), and Nuclear Engineering Program of the Department of Mechanical Engineering (\$60,000):

NOW THEREFORE

BE IT RESOLVED, That the President and/or Vice President for Business and Administration be authorized to select qualified architectural/engineering firms as necessary for the Bricker Hall Elevator Replacement, Jesse Owens Recreation Centers Improvements, 1314 Kinnear Road Masonry Improvements, Taylor Tower-Curl Drive Mallway Improvements, and ATI Livestock Barn Renovation and Land Improvements projects and that the fees for these services be negotiated between the firms selected and The Ohio State University; and

**EMPLOYMENT OF ARCHITECTS/ENGINEERS AND
REQUEST FOR CONSTRUCTION BIDS (contd)**

BRICKER HALL ELEVATOR REPLACEMENT;
JESSE OWENS RECREATION CENTERS IMPROVEMENTS;
1314 KINNEAR ROAD MASONRY IMPROVEMENTS;
TAYLOR TOWER - CURL DRIVE MALLWAY IMPROVEMENTS;
ATI LIVESTOCK BARN RENOVATION AND LAND IMPROVEMENTS;
RHODES HALL SELF CONTAINED BIRTHING CENTER; AND
RADIATION DOSIMETRY CALIBRATION FACILITY (contd)

BE IT FURTHER RESOLVED, That the President and/or Vice President for Business and Administration be authorized to request construction bids on all projects listed in accordance with established University procedures, and if satisfactory bids are received, to award contracts, with all actions to be reported to this Board at the appropriate time.

Upon motion of Amb. Wolf, seconded by Mr. Shumate, the Board of Trustees adopted the foregoing resolution by unanimous roll call vote.

--0--

**REPORT OF AWARD OF CONTRACTS AND
ESTABLISHMENT OF CONTINGENCY FUNDS**

Resolution No. 94-76

Synopsis: The Fiscal Affairs Committee recommended the acceptance of the report of award of contracts and the establishment of contingency funds for the listed projects.

WHEREAS resolutions adopted by the Board of Trustees on October 5, 1990, September 7, 1990, March 1, 1991, May 3, 1991, June 4, 1992, October 4, 1992, November 6, 1992, February 4, 1993, and March 5, 1993 authorized the President and/or Vice President for Business and Administration to request construction bids in accordance with established State of Ohio and University procedures, and if satisfactory bids were received to award contracts for the following projects: North Residence Halls - Chiller Replacement, Phase II; Veterinary Hospital Asbestos Abatement; Hopkins Hall - Ventilation and Mechanical Systems; Classroom Improvements Phase VII; OARDC Union County Farm Drainage; Marion Campus Early Childhood Development Lab; Starling-Loving Roof Replacement; Lincoln/Morrill Site Renovation; McCracken Power Plant Hot Water Heating System; Rhodes Hall Surgery HVAC Revisions Phase II; Mansfield Campus University Drive Restoration; Mansfield Campus Eisenhower Boiler Replacement; Doan Hall Trash Compactor Renovation; West Campus Remodeling; Olentangy River Wetlands Research Park; Doan Hall - 3 North; Means Hall - 3 West; University Airport Guidance Signs; ATI Phase V - Parking Lot; Sidewalk Replacement and Roadway Repairs; Classroom Improvements Phase VIII - McPherson Laboratory; OARDC - Mahoning Farm Renovation projects; and Marion Regional Campus Parking Lot; and

WHEREAS resolutions adopted by the Board of Trustees on May 4, 1989, September 7, 1990, October 5, 1990, and September 9, 1991 authorized the President and/or Vice President for Business and Administration to request construction bids in accordance with established State of Ohio and University procedures, and if satisfactory bids were received to recommend the award of contract for the following projects: Campbell Hall Lab Rehabilitation - Phase II; Smith Laboratory Mechanical Improvements; Elevator Replacements; Wiseman Hall Mechanical Systems; Larkins Hall - Exterior Wall Replacement, Phase I; and Goss Laboratory Renovation - Retrovirus Containment;

NOW THEREFORE

**REPORT OF AWARD OF CONTRACTS AND
ESTABLISHMENT OF CONTINGENCY FUNDS (contd)**

BE IT RESOLVED, That pursuant to the actions previously authorized by this Board, the report of award of contracts and establishment of contingency funds for these projects are hereby accepted.

Upon motion of Mr. Celeste, seconded by Mr. Shumate, the Board of Trustees adopted the foregoing resolution by unanimous roll call vote.

(See Appendix XXIV for background information and maps, page 609.)

--0--

REPORT - UNIVERSITY'S ENDOWMENT FUND

Resolution No. 94-77

RESOLVED, That the report on the University's Endowment Fund, dated November 19, 1993, as submitted to the Investments Committee of the Board of Trustees, be received and filed with the official records of the Board.

--0--

Thereupon the Board adjourned to meet Friday, February 4, 1994, at The Ohio State University Ohio Union, Columbus, Ohio.

Attest:

Robert M. Duncan
Secretary

Deborah E. Casto
Chairman